

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 4110**

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**AMENDMENTS**

**TO**

**SENATE AMENDMENT**

# ***In the House of Representatives, U. S.,***

*October 10, 1998.*

*Resolved*, That House agree to the amendment of the Senate to the bill (H.R. 4110) entitled “An Act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes”, with the following

## **AMENDMENTS:**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

**1    *SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

**2            (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-***  
**3    *erans Programs Enhancement Act of 1998”.***

**4            (b) *TABLE OF CONTENTS.*—*The table of contents of this***  
**5    *Act is as follows:***

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to title 38, United States code.*

### ***TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS***

*Sec. 101. Agreement with National Academy of Sciences regarding evaluation of  
health consequences of service in Southwest Asia during the Per-  
sian Gulf War.*

*Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.*

*Sec. 103. National center on war-related illnesses and post-deployment health  
issues.*

- Sec. 104. Coordination of activities.*
- Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.*
- Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.*
- Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.*

## *TITLE II—EDUCATION AND EMPLOYMENT*

### *Subtitle A—Education Matters*

- Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.*
- Sec. 202. Election of advance payment of work-study allowance.*
- Sec. 203. Alternative to twelve semester hour equivalency requirement.*
- Sec. 204. Medical evidence for flight training requirements.*
- Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.*
- Sec. 206. Expansion of education outreach services.*
- Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.*

### *Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments*

- Sec. 211. Enforcement of rights with respect to a State as an employer.*
- Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.*
- Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.*

## *TITLE III—COMPENSATION, PENSION, AND INSURANCE*

- Sec. 301. Medal of Honor special pension.*
- Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.*
- Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.*
- Sec. 304. National Service Life Insurance program.*

## *TITLE IV—MEMORIAL AFFAIRS*

- Sec. 401. Commemoration of individuals whose remains are unavailable for interment.*
- Sec. 402. Merchant mariner burial and cemetery benefits.*
- Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.*
- Sec. 404. State cemetery grants program.*

## *TITLE V—COURT OF VETERANS APPEALS*

### *Subtitle A—Administrative Provisions Relating to the Court*

- Sec. 501. Continuation in office of judges pending confirmation for second term.*
- Sec. 502. Exemption of retirement fund from sequestration orders.*
- Sec. 503. Adjustments for survivor annuities.*
- Sec. 504. Reports on retirement program modifications.*

*Subtitle B—Renaming of Court*

- Sec. 511. Renaming of the Court of Veterans Appeals.*  
*Sec. 512. Conforming amendments.*  
*Sec. 513. Effective date.*

*TITLE VI—HOUSING*

- Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.*  
*Sec. 602. Veterans housing benefit program fund account consolidation.*  
*Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.*  
*Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.*

*TITLE VII—CONSTRUCTION AND FACILITIES MATTERS*

- Sec. 701. Authorization of major medical facility projects.*  
*Sec. 702. Authorization of major medical facility leases.*  
*Sec. 703. Authorization of appropriations.*  
*Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.*  
*Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.*  
*Sec. 706. Parking fees.*  
*Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.*  
*Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.*  
*Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.*  
*Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.*

*TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE*

- Sec. 801. Short title.*  
*Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.*  
*Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.*  
*Sec. 804. Repeal of prohibition on payment of tuition loans.*  
*Sec. 805. Conforming amendments.*  
*Sec. 806. Coordination with appropriations provision.*

*TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS*

- Sec. 901. Examinations and care associated with certain radiation treatment.*  
*Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.*  
*Sec. 903. Management of specialized treatment and rehabilitative programs.*  
*Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.*  
*Sec. 905. Report on nurse locality pay.*

*Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.*  
*Sec. 907. Interim appointment of Under Secretary for Health.*

#### **TITLE X—OTHER MATTERS**

*Sec. 1001. Requirement for naming of Department property.*  
*Sec. 1002. Members of the Board of Veterans' Appeals.*  
*Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.*  
*Sec. 1004. Disabled veterans outreach program specialists.*  
*Sec. 1005. Technical amendments.*

#### **TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT**

*Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.*  
*Sec. 1102. Publication of adjusted rates.*

### **1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

## **7 TITLE I—PROVISIONS RELATING** 8 **TO VETERANS OF PERSIAN** 9 **GULF WAR AND FUTURE CON-** 10 **FLICTS**

### **11 SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF** 12 **SCIENCES REGARDING EVALUATION OF** 13 **HEALTH CONSEQUENCES OF SERVICE IN** 14 **SOUTHWEST ASIA DURING THE PERSIAN** 15 **GULF WAR.**

16 *(a) PURPOSE.—The purpose of this section is to pro-*  
 17 *vide for the National Academy of Sciences, an independent*

1 *nonprofit scientific organization with appropriate expertise*  
2 *which is not a part of the Federal Government, to review*  
3 *and evaluate the available scientific evidence regarding as-*  
4 *sociations between illness and service in the Persian Gulf*  
5 *War.*

6 (b) *AGREEMENT.*—(1) *The Secretary of Veterans Af-*  
7 *fairs shall seek to enter into an agreement with the National*  
8 *Academy of Sciences for the Academy to perform the activi-*  
9 *ties covered by this section. The Secretary shall seek to enter*  
10 *into the agreement not later than two months after the date*  
11 *of the enactment of this Act.*

12 (2)(A) *If the Secretary is unable within the time pe-*  
13 *riod set forth in paragraph (1) to enter into an agreement*  
14 *with the Academy for the purposes of this section on terms*  
15 *acceptable to the Secretary, the Secretary shall seek to enter*  
16 *into an agreement for purposes of this section with another*  
17 *appropriate scientific organization that is not part of the*  
18 *Government, operates as a not-for-profit entity, and has ex-*  
19 *pertise and objectivity comparable to that of the Academy.*

20 (B) *If the Secretary enters into an agreement with an-*  
21 *other organization under this paragraph, any reference in*  
22 *this section to the National Academy of Sciences shall be*  
23 *treated as a reference to such other organization.*

24 (c) *REVIEW OF SCIENTIFIC EVIDENCE.*—(1) *Under the*  
25 *agreement under subsection (b), the National Academy of*

1 *Sciences shall conduct a comprehensive review and evalua-*  
2 *tion of the available scientific and medical information re-*  
3 *garding the health status of Gulf War veterans and the*  
4 *health consequences of exposures to risk factors during serv-*  
5 *ice in the Persian Gulf War. In conducting such review and*  
6 *evaluation, the Academy shall—*

7           *(A) identify the biological, chemical, or other*  
8 *toxic agents, environmental or wartime hazards, or*  
9 *preventive medicines or vaccines (including the agents*  
10 *specified in subsection (d)(1)) to which members of*  
11 *the Armed Forces who served in the Southwest Asia*  
12 *theater of operations during the Persian Gulf War*  
13 *may have been exposed by reason of such service;*

14           *(B) identify the illnesses associated with the*  
15 *agents, hazards, or medicines or vaccines identified*  
16 *under subparagraph (A); and*

17           *(C) identify the illnesses (including diagnosed*  
18 *illnesses and undiagnosed illnesses) for which there is*  
19 *scientific evidence of a higher prevalence among popu-*  
20 *lations of Gulf War veterans when compared with*  
21 *other appropriate populations of individuals.*

22           *(2) In identifying illnesses under subparagraphs (B)*  
23 *and (C) of paragraph (1), the Academy shall review and*  
24 *summarize the relevant scientific evidence regarding ill-*  
25 *nesses, including symptoms, adverse reproductive health*

1 *outcomes, and mortality, among the members described in*  
 2 *paragraph (1)(A) and among other appropriate popu-*  
 3 *lations of individuals.*

4 *(3) In conducting the review and evaluation under*  
 5 *paragraph (1), the Academy shall, for each illness identified*  
 6 *under subparagraph (B) or (C) of that paragraph, assess*  
 7 *the latency period, if any, between service or exposure to*  
 8 *any potential risk factor (including an agent, hazard, or*  
 9 *medicine or vaccine identified under subparagraph (A) of*  
 10 *that paragraph) and the manifestation of such illness.*

11 *(d) SPECIFIED AGENTS.—(1) In identifying under*  
 12 *subsection (c)(1)(A) the agents, hazards, or preventive medi-*  
 13 *cines or vaccines to which members of the Armed Forces*  
 14 *may have been exposed, the National Academy of Sciences*  
 15 *shall consider the following:*

16 *(A) The following organophosphorous pesticides:*

17 *(i) Chlorpyrifos.*

18 *(ii) Diazinon.*

19 *(iii) Dichlorvos.*

20 *(iv) Malathion.*

21 *(B) The following carbamate pesticides:*

22 *(i) Proxpur.*

23 *(ii) Carbaryl.*

24 *(iii) Methomyl.*



1           (C) *The carbamate pyridostigmine bromide used*  
2           *as nerve agent prophylaxis.*

3           (D) *The following chlorinated hydrocarbons and*  
4           *other pesticides and repellents:*

5                 (i) *Lindane.*

6                 (ii) *Pyrethrins.*

7                 (iii) *Permethrins.*

8                 (iv) *Rodenticides (bait).*

9                 (v) *Repellent (DEET).*

10           (E) *The following low-level nerve agents and pre-*  
11           *cursor compounds at exposure levels below those which*  
12           *produce immediately apparent incapacitating symp-*  
13           *toms:*

14                 (i) *Sarin.*

15                 (ii) *Tabun.*

16           (F) *The following synthetic chemical compounds:*

17                 (i) *Mustard agents at levels below those*  
18           *which cause immediate blistering.*

19                 (ii) *Volatile organic compounds.*

20                 (iii) *Hydrazine.*

21                 (iv) *Red fuming nitric acid.*

22                 (v) *Solvents.*

23           (G) *The following sources of radiation:*

24                 (i) *Depleted uranium.*

25                 (ii) *Microwave radiation.*

1                   (iii) *Radio frequency radiation.*

2                   (H) *The following environmental particulates*  
3                   *and pollutants:*

4                   (i) *Hydrogen sulfide.*

5                   (ii) *Oil fire byproducts.*

6                   (iii) *Diesel heater fumes.*

7                   (iv) *Sand micro-particles.*

8                   (I) *Diseases endemic to the region (including the*  
9                   *following):*

10                  (i) *Leishmaniasis.*

11                  (ii) *Sandfly fever.*

12                  (iii) *Pathogenic escherichia coli.*

13                  (iv) *Shigellosis.*

14                  (J) *Time compressed administration of multiple*  
15                  *live, ‘attenuated’, and toxoid vaccines.*

16                  (2) *The consideration of agents, hazards, and medi-*  
17                  *cines and vaccines under paragraph (1) shall not preclude*  
18                  *the Academy from identifying other agents, hazards, or*  
19                  *medicines or vaccines to which members of the Armed*  
20                  *Forces may have been exposed for purposes of any report*  
21                  *under subsection (h).*

22                  (3) *Not later than six months after entry into the*  
23                  *agreement under subsection (b), the Academy shall submit*  
24                  *to the Committees on Veterans’ Affairs of the Senate and*  
25                  *the House of Representatives a report specifying the agents,*

1 hazards, and medicines and vaccines considered under  
2 paragraph (1).

3 (e) *SCIENTIFIC DETERMINATIONS CONCERNING ILL-*  
4 *NESSSES.—(1) For each illness identified under subpara-*  
5 *graph (B) or (C) of subsection (c)(1), the National Academy*  
6 *of Sciences shall determine (to the extent available scientific*  
7 *evidence permits) whether there is scientific evidence of an*  
8 *association of that illness with Gulf War service or exposure*  
9 *during Gulf War service to one or more agents, hazards,*  
10 *or medicines or vaccines. In making those determinations,*  
11 *the Academy shall consider—*

12 (A) *the strength of scientific evidence, the*  
13 *replicability of results, the statistical significance of*  
14 *results, and the appropriateness of the scientific meth-*  
15 *ods used to detect the association;*

16 (B) *in any case where there is evidence of an ap-*  
17 *parent association, whether there is reasonable con-*  
18 *fidence that that apparent association is not due to*  
19 *chance, bias, or confounding;*

20 (C) *the increased risk of the illness among*  
21 *human or animal populations exposed to the agent,*  
22 *hazard, or medicine or vaccine;*

23 (D) *whether a plausible biological mechanism or*  
24 *other evidence of a causal relationship exists between*

1        *exposure to the agent, hazard, or medicine or vaccine*  
2        *and the illness;*

3            *(E) in any case where information about expo-*  
4        *sure levels is available, whether the evidence indicates*  
5        *that the levels of exposure of the studied populations*  
6        *were of the same magnitude as the estimated likely*  
7        *exposures of Gulf War veterans; and*

8            *(F) whether there is an increased risk of illness*  
9        *among Gulf War veterans in comparison with appro-*  
10       *priate peer groups.*

11       *(2) The Academy shall include in its reports under*  
12       *subsection (h) a full discussion of the scientific evidence and*  
13       *reasoning that led to its conclusions under this subsection.*

14       *(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC*  
15       *STUDIES.—(1) Under the agreement under subsection (b),*  
16       *the National Academy of Sciences shall make any rec-*  
17       *ommendations that it considers appropriate for additional*  
18       *scientific studies (including studies relating to treatment*  
19       *models) to resolve areas of continuing scientific uncertainty*  
20       *relating to the health consequences of service in the Persian*  
21       *Gulf War or exposure to toxic agents, environmental or*  
22       *wartime hazards, or preventive medicines or vaccines asso-*  
23       *ciated with Gulf War service.*

24       *(2) In making recommendations for additional studies,*  
25       *the Academy shall consider the available scientific data, the*

1 *value and relevance of the information that could result*  
2 *from such studies, and the cost and feasibility of carrying*  
3 *out such studies.*

4 *(g) SUBSEQUENT REVIEWS.—(1) Under the agreement*  
5 *under subsection (b), the National Academy of Sciences*  
6 *shall conduct on a periodic and ongoing basis additional*  
7 *reviews of the evidence and data relating to its activities*  
8 *under this section.*

9 *(2) As part of each review under this subsection, the*  
10 *Academy shall—*

11 *(A) conduct as comprehensive a review as is*  
12 *practicable of the information referred to in sub-*  
13 *section (c), the evidence referred to in subsection (e),*  
14 *and the data referred to in subsection (f) that became*  
15 *available since the last review of such information,*  
16 *evidence, and data under this section; and*

17 *(B) make determinations under the subsections*  
18 *referred to in subparagraph (A) on the basis of the re-*  
19 *sults of such review and all other reviews previously*  
20 *conducted for purposes of this section.*

21 *(h) REPORTS BY ACADEMY.—(1) Under the agreement*  
22 *under subsection (b), the National Academy of Sciences*  
23 *shall submit to the Committees on Veterans' Affairs of the*  
24 *Senate and the House of Representatives and the Secretary*

1 of Veterans Affairs periodic written reports regarding the  
2 Academy's activities under the agreement.

3 (2) The first report under paragraph (1) shall be sub-  
4 mitted not later than two years after entry into the agree-  
5 ment under subsection (b). That report shall include—

6 (A) the determinations and discussion referred to  
7 in subsection (e); and

8 (B) any recommendations of the Academy under  
9 subsection (f).

10 (3) Reports shall be submitted under this subsection  
11 at least once every two years, as measured from the date  
12 of the report under paragraph (2).

13 (4) In any report under this subsection (other than the  
14 report under paragraph (2)), the Academy may specify an  
15 absence of meaningful developments in the scientific or med-  
16 ical community with respect to the activities of the Acad-  
17 emy under this section during the two-year period ending  
18 on the date of such report.

19 (i) *REPORTS BY SECRETARY.*—(1) The Secretary shall  
20 review each report from the Academy under subsection (h).  
21 As part of such review, the Secretary shall seek comments  
22 on, and evaluation of, the Academy's report from the heads  
23 of other affected departments and agencies of the United  
24 States.

1       (2) *Based upon a review under paragraph (1), the Sec-*  
2 *retary shall submit to the Committees on Veterans' Affairs*  
3 *of the Senate and the House of Representatives a report on*  
4 *the available scientific and medical information regarding*  
5 *the health consequences of Persian Gulf War service and of*  
6 *exposures to risk factors during service in the Persian Gulf*  
7 *War. The Secretary shall include in the report the Sec-*  
8 *retary's recommendations as to whether there is sufficient*  
9 *evidence to warrant a presumption of service-connection for*  
10 *the occurrence of a specified condition in Gulf War veter-*  
11 *ans. In determining whether to make such a recommenda-*  
12 *tion, the Secretary shall consider the matters specified in*  
13 *subparagraphs (A) through (F) of subsection (e)(1).*

14       (3) *The report under this subsection shall be submitted*  
15 *not later than 120 days after the date on which the Sec-*  
16 *retary receives the report from the Academy.*

17       (j) *SUNSET.—This section shall cease to be effective 11*  
18 *years after the last day of the fiscal year in which the Na-*  
19 *tional Academy of Sciences enters into an agreement with*  
20 *the Secretary under subsection (b).*

21       (k) *DEFINITION.—In this section, the term “toxic*  
22 *agent, environmental or wartime hazard, or preventive*  
23 *medicine or vaccine associated with Gulf War service”*  
24 *means a biological, chemical, or other toxic agent, environ-*  
25 *mental or wartime hazard, or preventive medicine or vac-*

1 *cine that is known or presumed to be associated with service*  
 2 *in the Armed Forces in the Southwest Asia theater of oper-*  
 3 *ations during the Persian Gulf War, whether such associa-*  
 4 *tion arises as a result of single, repeated, or sustained expo-*  
 5 *sure and whether such association arises through exposure*  
 6 *singularly or in combination.*

7 **SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF**  
 8 **WAR AND FUTURE CONFLICTS.**

9 (a) *AUTHORITY.*—Section 1710(e) is amended—

10 (1) *by adding at the end of paragraph (1) the*  
 11 *following new subparagraph:*

12 “(D) *Subject to paragraphs (2) and (3), a veteran who*  
 13 *served on active duty in a theater of combat operations (as*  
 14 *determined by the Secretary in consultation with the Sec-*  
 15 *retary of Defense) during a period of war after the Persian*  
 16 *Gulf War, or in combat against a hostile force during a*  
 17 *period of hostilities (as defined in section 1712A(a)(2)(B)*  
 18 *of this title) after the date of the enactment of this subpara-*  
 19 *graph, is eligible for hospital care, medical services, and*  
 20 *nursing home care under subsection (a)(2)(F) for any ill-*  
 21 *ness, notwithstanding that there is insufficient medical evi-*  
 22 *dence to conclude that such condition is attributable to such*  
 23 *service.*”;

24 (2) *in paragraph (2)(B), by inserting “or*  
 25 *(1)(D)” after “paragraph (1)(C)”;*



1           (3) in paragraph (3)—

2                   (A) by striking out “and” at the end of sub-  
3 paragraph (A);

4                   (B) by striking out “December 31, 1998.”  
5 in subparagraph (B) and inserting in lieu there-  
6 of “December 31, 2001; and”; and

7                   (C) by adding at the end the following new  
8 subparagraph:

9           “(C) in the case of care for a veteran described  
10 in paragraph (1)(D), after a period of two years be-  
11 ginning on the date of the veteran’s discharge or re-  
12 lease from active military, naval, or air service.”; and

13           (4) by adding at the end the following new para-  
14 graph:

15           “(5) When the Secretary first provides care for veter-  
16 ans using the authority provided in paragraph (1)(D), the  
17 Secretary shall establish a system for collection and analy-  
18 sis of information on the general health status and health  
19 care utilization patterns of veterans receiving care under  
20 that paragraph. Not later than 18 months after first provid-  
21 ing care under such authority, the Secretary shall submit  
22 to Congress a report on the experience under that authority.  
23 The Secretary shall include in the report any recommenda-  
24 tions of the Secretary for extension of that authority.”.

1       (b) *IMPLEMENTATION REPORT.*—Not later than Octo-  
 2   ber 1, 1999, the Secretary of Veterans Affairs shall submit  
 3   to the Committees on Veterans' Affairs of the Senate and  
 4   House of Representatives a report on the Secretary's plan  
 5   for establishing and operating the system for collection and  
 6   analysis of information required by paragraph (5) of sec-  
 7   tion 1710(e) of title 38, United States Code, as added by  
 8   subsection (a)(4).

9   **SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES**  
 10                   **AND POST-DEPLOYMENT HEALTH ISSUES.**

11       (a) *ASSESSMENT.*—The Secretary of Veterans Affairs  
 12   shall seek to enter into an agreement with the National  
 13   Academy of Sciences, or another appropriate independent  
 14   organization, under which such entity shall assist in devel-  
 15   oping a plan for the establishment of a national center or  
 16   national centers for the study of war-related illnesses and  
 17   post-deployment health issues. The purposes of such a center  
 18   may include—

19               (1) carrying out and promoting research regard-  
 20       ing the etiologies, diagnosis, treatment, and preven-  
 21       tion of war-related illnesses and post-deployment  
 22       health issues; and

23               (2) promoting the development of appropriate  
 24       health policies, including monitoring, medical record-

1       *keeping, risk communication, and use of new tech-*  
2       *nologies.*

3       **(b) RECOMMENDATIONS AND REPORT.**—*With respect*  
4       *to such a center, an agreement under this section shall pro-*  
5       *vide for the Academy (or other entity) to—*

6               *(1) make recommendations regarding (A) design*  
7       *of an organizational structure or structures, oper-*  
8       *ational scope, staffing and resource needs, establish-*  
9       *ment of appropriate databases, the advantages of sin-*  
10       *gle or multiple sites, mechanisms for implementing*  
11       *recommendations on policy, and relationship to aca-*  
12       *demic or scientific entities, (B) the role or roles that*  
13       *relevant Federal departments and agencies should*  
14       *have in the establishment and operation of any such*  
15       *center or centers, and (C) such other matters as it*  
16       *considers appropriate; and*

17               *(2) report to the Secretary, the Secretaries of De-*  
18       *fense and Health and Human Services, and the Com-*  
19       *mittees on Veterans' Affairs of the Senate and House*  
20       *of Representatives, not later than one year after the*  
21       *date of the enactment of this Act, on its recommenda-*  
22       *tions.*

23       **(c) REPORT ON ESTABLISHMENT OF NATIONAL CEN-**  
24       *TER.*—*Not later than 60 days after receiving the report*  
25       *under subsection (b), the Secretaries specified in subsection*

1 (b)(2) shall submit to the Committees on Veterans' Affairs  
 2 and Armed Services of the Senate and the Committees on  
 3 Veterans' Affairs and National Security of the House of  
 4 Representatives a joint report on the findings and rec-  
 5 ommendations contained in that report. Such report may  
 6 set forth an operational plan for carrying out any rec-  
 7 ommendation in that report to establish a national center  
 8 or centers for the study of war-related illnesses. No action  
 9 to carry out such plan may be taken after the submission  
 10 of such report until the end of a 90-day period following  
 11 the date of the submission.

12 **SEC. 104. COORDINATION OF ACTIVITIES.**

13 Section 707 of the Persian Gulf War Veterans' Health  
 14 Status Act (title VII of Public Law 102-585; 38 U.S.C. 527  
 15 note) is amended—

16 (1) in the heading, by striking out “**GOVERN-**  
 17 **MENT ACTIVITIES ON HEALTH-RELATED RE-**  
 18 **SEARCH**” and inserting the following: “**HEALTH-**  
 19 **RELATED GOVERNMENT ACTIVITIES**”;

20 (2) in subsection (a), by striking out “research”;  
 21 and

22 (3) by striking out subsection (b) and inserting  
 23 in lieu thereof the following:

24 “(b) **PUBLIC ADVISORY COMMITTEE.**—Not later than  
 25 January 1, 1999, the head of the department or agency des-

1 *ignated under subsection (a) shall establish an advisory*  
2 *committee consisting of members of the general public, in-*  
3 *cluding Persian Gulf War veterans and representatives of*  
4 *such veterans, to provide advice to the head of that depart-*  
5 *ment or agency on proposed research studies, research*  
6 *plans, or research strategies relating to the health con-*  
7 *sequences of military service in the Southwest Asia theater*  
8 *of operations during the Persian Gulf War. The department*  
9 *or agency head shall consult with such advisory committee*  
10 *on a regular basis.*

11       “(c) *REPORTS.*—(1) *Not later than March 1 of each*  
12 *year, the head of the department or agency designated under*  
13 *subsection (a) shall submit to the Committees on Veterans’*  
14 *Affairs of the Senate and House of Representatives a report*  
15 *on—*

16               “(A) *the status and results of all such research*  
17 *activities undertaken by the executive branch during*  
18 *the previous year; and*

19               “(B) *research priorities identified during that*  
20 *year.*

21       “(2)(A) *Not later than 120 days after submission of*  
22 *the epidemiological research study conducted by the Depart-*  
23 *ment of Veterans Affairs entitled ‘VA National Survey of*  
24 *Persian Gulf Veterans—Phase III’, the head of the depart-*  
25 *ment or agency designated under subsection (a) shall sub-*

1 mit to the congressional committees specified in paragraph  
2 (1) a report on the findings under that study and any other  
3 pertinent medical literature.

4 “(B) With respect to any findings of that study and  
5 any other pertinent medical literature which identify sci-  
6 entific evidence of a greater relative risk of illness or ill-  
7 nesses in family members of veterans who served in the Per-  
8 sian Gulf War theater of operations than in family mem-  
9 bers of veterans who did not so serve, the head of the depart-  
10 ment or agency designated under subsection (a) shall seek  
11 to ensure that appropriate research studies are designed to  
12 follow up on such findings.

13 “(d) *PUBLIC AVAILABILITY OF RESEARCH FIND-*  
14 *INGS.*—The head of the department or agency designated  
15 under subsection (a) shall ensure that the findings of all  
16 research conducted by or for the executive branch relating  
17 to the health consequences of military service in the Persian  
18 Gulf theater of operations during the Persian Gulf War (in-  
19 cluding information pertinent to improving provision of  
20 care for veterans of such service) are made available to the  
21 public through peer-reviewed medical journals, the World  
22 Wide Web, and other appropriate media.

23 “(e) *OUTREACH.*—The head of the department or agen-  
24 cy designated under subsection (a) shall ensure that the ap-  
25 propriate departments consult and coordinate in carrying

1 *out an ongoing program to provide information to those*  
 2 *who served in the Southwest Asia theater of operations dur-*  
 3 *ing the Persian Gulf War relating to (1) the health risks,*  
 4 *if any, resulting from any risk factors associated with such*  
 5 *service, and (2) any services or benefits available with re-*  
 6 *spect to such health risks.”.*

7 **SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PER-**  
 8 **SIAN GULF WAR VETERANS.**

9 (a) *ASSESSMENT BY NATIONAL ACADEMY OF*  
 10 *SCIENCES.*—*Not later than April 1, 1999, the Secretary of*  
 11 *Veterans Affairs shall enter into a contract with the Na-*  
 12 *tional Academy of Sciences to review the available scientific*  
 13 *data in order to—*

14 (1) *assess whether a methodology could be used*  
 15 *by the Department of Veterans Affairs for determin-*  
 16 *ing the efficacy of treatments furnished to, and health*  
 17 *outcomes (including functional status) of, Persian*  
 18 *Gulf War veterans who have been treated for illnesses*  
 19 *which may be associated with their service in the Per-*  
 20 *sian Gulf War; and*

21 (2) *identify, to the extent feasible, with respect to*  
 22 *each undiagnosed illness prevalent among such veter-*  
 23 *ans and for any other chronic illness that the Acad-*  
 24 *emy determines to warrant such review, empirically*  
 25 *valid models of treatment for such illness which em-*

1        *ploy successful treatment modalities for populations*  
 2        *with similar symptoms.*

3        *(b) ACTION ON REPORT.—(1) After receiving the final*  
 4        *report of the National Academy of Sciences under subsection*  
 5        *(a), the Secretary shall, if a reasonable and scientifically*  
 6        *feasible methodology is identified by the Academy, develop*  
 7        *an appropriate mechanism to monitor and study the effec-*  
 8        *tiveness of treatments furnished to, and health outcomes of,*  
 9        *Persian Gulf War veterans who suffer from diagnosed and*  
 10       *undiagnosed illnesses which may be associated with their*  
 11       *service in the Persian Gulf War.*

12       *(2) The Secretary shall submit to the Committees on*  
 13       *Veterans' Affairs of the Senate and House of Representa-*  
 14       *tives a report on the implementation of paragraph (1).*

15       *(3) The Secretary shall carry out paragraphs (1) and*  
 16       *(2) not later than 180 days after receiving the final report*  
 17       *of the National Academy of Sciences under subsection (a).*

18       **SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDA-**  
 19                                **TIONS ON RESEARCH AND FOR DEVELOP-**  
 20                                **MENT OF CURRICULUM ON CARE OF PERSIAN**  
 21                                **GULF WAR VETERANS.**

22       *Section 706 of the Persian Gulf War Veterans' Health*  
 23       *Status Act (title VII of Public Law 102–585; 38 U.S.C. 527*  
 24       *note) is amended by adding at the end the following new*  
 25       *subsection:*



1       “(d) *RESEARCH REVIEW AND DEVELOPMENT OF MED-*  
2 *ICAL EDUCATION CURRICULUM.*—(1) *In order to further*  
3 *understanding of the health consequences of military service*  
4 *in the Persian Gulf theater of operations during the Persian*  
5 *Gulf War and of new research findings with implications*  
6 *for improving the provision of care for veterans of such serv-*  
7 *ice, the Secretary of Veterans Affairs and the Secretary of*  
8 *Defense shall seek to enter into an agreement with the Na-*  
9 *tional Academy of Sciences under which the Institute of*  
10 *Medicine of the Academy would—*

11               “(A) *develop a curriculum pertaining to the care*  
12 *and treatment of veterans of such service who have ill-*  
13 *defined or undiagnosed illnesses for use in the con-*  
14 *tinuing medical education of both general and spe-*  
15 *cialty physicians who provide care for such veterans;*  
16 *and*

17               “(B) *on an ongoing basis, periodically review*  
18 *and provide recommendations regarding the research*  
19 *plans and research strategies of the Departments re-*  
20 *lating to the health consequences of military service in*  
21 *the Persian Gulf theater of operations during the Per-*  
22 *sian Gulf War.*

23       “(2) *Recommendations to be provided under para-*  
24 *graph (1)(B) include any recommendations that the Acad-*  
25 *emy considers appropriate for additional scientific studies*

1 *(including studies related to treatment models) to resolve*  
 2 *areas of continuing scientific uncertainty relating to the*  
 3 *health consequences of any aspects of such military service.*  
 4 *In making recommendations for additional studies, the*  
 5 *Academy shall consider the available scientific data, the*  
 6 *value and relevance of the information that could result*  
 7 *from such studies, and the cost and feasibility of carrying*  
 8 *out such studies.*

9       “(3) Not later than nine months after the Institute of  
 10 Medicine provides the Secretaries the curriculum developed  
 11 under paragraph (1)(A), the Secretaries shall provide for  
 12 the conduct of continuing education programs using that  
 13 curriculum. Those programs shall include instruction which  
 14 seeks to emphasize use of appropriate protocols of diagnosis,  
 15 referral, and treatment of such veterans.”.

16 **SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION**  
 17 **OF HEALTH STATUS OF SPOUSES AND CHIL-**  
 18 **DREN OF PERSIAN GULF WAR VETERANS.**

19       (a) **ONE-YEAR EXTENSION.**—Subsection (b) of section  
 20 107 of the Persian Gulf War Veterans’ Benefits Act (title  
 21 I of Public Law 103–446; 38 U.S.C. 1117 note) is amended  
 22 by striking out “December 31, 1998” and inserting in lieu  
 23 thereof “December 31, 1999”.

1       (b) *TERMINATION OF CERTAIN TESTING AND EVALUA-*  
 2       *TION REQUIREMENTS.*—Subsection (a) of such section is  
 3       amended—

4               (1) by striking out “the” after “Secretary of”;

5               (2) by striking out “study” both places it ap-  
 6       pears and inserting in lieu thereof “program”; and

7               (3) by striking out the sentence following para-  
 8       graph (3).

9       (c) *ENHANCED FLEXIBILITY IN EXAMINATIONS.*—Sub-  
 10      section (d) of such section is amended—

11              (1) by striking out “shall” and inserting in lieu  
 12      thereof “may”; and

13              (2) by inserting “, including fee arrangements  
 14      described in section 1703 of title 38, United States  
 15      Code” after “arrangements”.

16      (d) *OUTREACH.*—Subsection (g) of such section is  
 17      amended—

18              (1) by striking out “to ensure” and all that fol-  
 19      lows through the period at the end of paragraph (2)  
 20      and inserting in lieu thereof “for the purposes of the  
 21      program.”; and

22              (2) by adding at the end the following new sen-  
 23      tence: “In conducting such outreach activities, the  
 24      Secretary shall advise that medical treatment is not  
 25      available under the program.”.

1       (e) *REPORT TO CONGRESS.*—Subsection (i) of such sec-  
 2       tion is amended to read as follows:

3       “(i) *REPORT TO CONGRESS.*—Not later than July 31,  
 4       1999, the Secretary shall submit to the Committees on Vet-  
 5       erans’ Affairs of the Senate and House of Representatives  
 6       a report on activities with respect to the program, including  
 7       the provision of services under subsection (d).”.

## 8                   **TITLE II—EDUCATION AND** 9                   **EMPLOYMENT**

### 10                  **Subtitle A—Education Matters**

#### 11       **SEC. 201. CALCULATION OF REPORTING FEE BASED ON** 12                   **TOTAL VETERAN ENROLLMENT DURING A** 13                   **CALENDAR YEAR.**

14       (a) *IN GENERAL.*—The second sentence of section  
 15       3684(c) is amended by striking out “on October 31” and  
 16       all that follows through the period and inserting in lieu  
 17       thereof “during the calendar year.”.

18       (b) *FUNDING.*—Section 3684(c), as amended by sub-  
 19       section (a), is further amended by adding at the end the  
 20       following new sentence: “The reporting fee payable under  
 21       this subsection shall be paid from amounts appropriated  
 22       for readjustment benefits.”.

23       (c) *EFFECTIVE DATE.*—The amendments made by this  
 24       section shall apply with respect to calendar years beginning  
 25       after December 31, 1998.

1 **SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-**  
 2 **STUDY ALLOWANCE.**

3 (a) *IN GENERAL.*—*The third sentence of section*  
 4 *3485(a)(1) is amended by striking out “An individual shall*  
 5 *be paid in advance” and inserting in lieu thereof “An indi-*  
 6 *vidual may elect, in a manner prescribed by the Secretary,*  
 7 *to be paid in advance”.*

8 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 9 *section (a) shall apply with respect to agreements entered*  
 10 *into under section 3485 of title 38, United States Code, on*  
 11 *or after January 1, 1999.*

12 **SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR**  
 13 **EQUIVALENCY REQUIREMENT.**

14 (a) *IN GENERAL.*—*The following sections of chapter 30*  
 15 *are each amended by striking out “successfully completed”*  
 16 *each place it appears and inserting in lieu thereof “success-*  
 17 *fully completed (or otherwise received academic credit for)”:*  
 18 *sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii),*  
 19 *3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and*  
 20 *3018C(a)(3).*

21 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
 22 *section (a) shall take effect on October 1, 1998.*

23 **SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING RE-**  
 24 **QUIREMENTS.**

25 (a) *TITLE 38, UNITED STATES CODE.*—*Sections*  
 26 *3034(d)(2) and 3241(b)(2) are each amended—*

1           (1) by striking out “pilot’s license” each place it  
 2           appears and inserting in lieu thereof “pilot certifi-  
 3           cate”; and

4           (2) by inserting “, on the day the individual be-  
 5           gins a course of flight training,” after “meets”.

6           (b) *TITLE 10, UNITED STATES CODE.*—Section  
 7           16136(c)(2) of title 10, United States Code, is amended—

8           (1) by striking out “pilot’s license” each place it  
 9           appears and inserting in lieu thereof “pilot certifi-  
 10          cate”; and

11          (2) by inserting “, on the day the individual be-  
 12          gins a course of flight training,” after “meets”.

13          (c) *EFFECTIVE DATE.*—The amendments made by this  
 14          section shall apply with respect to courses of flight training  
 15          beginning on or after October 1, 1998.

16   **SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAY-**  
 17                           **MENT RATE REQUIREMENTS FOR GOVERN-**  
 18                           **MENT JOB TRAINING PROGRAM APPROVAL.**

19          (a) *IN GENERAL.*—Section 3677(b) is amended—

20           (1) by inserting “(1)” after “(b)”;

21           (2) by redesignating paragraphs (1) and (2) as  
 22           subparagraphs (A) and (B), respectively;

23           (3) in subparagraph (A), as so redesignated, by  
 24           striking out “(A)” and “(B)” and inserting in lieu  
 25           thereof “(i)” and “(ii)”, respectively; and

1           (4) *by adding at the end the following new para-*  
 2       *graph:*

3       “(2) *The requirement under paragraph (1)(A)(ii) shall*  
 4       *not apply with respect to a training establishment operated*  
 5       *by the United States or by a State or local government.”.*

6       (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
 7       *section (a) shall apply with respect to approval of programs*  
 8       *of training on the job under section 3677 of title 38, United*  
 9       *States Code, on or after October 1, 1998.*

10   **SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.**

11       (a) *EXPANSION OF EDUCATION OUTREACH SERVICES*  
 12       *TO MEMBERS OF THE ARMED FORCES.*—*Section 3034 is*  
 13       *amended by adding at the end the following new subsection:*

14       “(e)(1) *In the case of a member of the Armed Forces*  
 15       *who participates in basic educational assistance under this*  
 16       *chapter, the Secretary shall furnish the information de-*  
 17       *scribed in paragraph (2) to each such member. The Sec-*  
 18       *retary shall furnish such information as soon as practicable*  
 19       *after the basic pay of the member has been reduced by*  
 20       *\$1,200 in accordance with section 3011(b) or 3012(c) of this*  
 21       *title and at such additional times as the Secretary deter-*  
 22       *mines appropriate.*

23       “(2) *The information referred to in paragraph (1) is*  
 24       *information with respect to the benefits, limitations, proce-*  
 25       *dures, eligibility requirements (including time-in-service re-*

1 quirements), and other important aspects of the basic edu-  
 2 cational assistance program under this chapter, including  
 3 application forms for such basic educational assistance  
 4 under section 5102 of this title.

5 “(3) The Secretary shall furnish the forms described  
 6 in paragraph (2) and other educational materials to edu-  
 7 cational institutions, training establishments, and military  
 8 education personnel, as the Secretary determines appro-  
 9 priate.

10 “(4) The Secretary shall use amounts appropriated for  
 11 readjustment benefits to carry out this subsection and sec-  
 12 tion 5102 of this title with respect to application forms  
 13 under that section for basic educational assistance under  
 14 this chapter.”.

15 (b) *EFFECTIVE DATE.*—The amendment made by this  
 16 section shall take effect 180 days after the date of the enact-  
 17 ment of this Act.

18 **SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR**  
 19 **EDUCATION BENEFITS FOR MEMBERS OF THE**  
 20 **ARMED FORCES DISCHARGED EARLY FROM**  
 21 **DUTY FOR THE CONVENIENCE OF THE GOV-**  
 22 **ERNMENT.**

23 (a) *ACTIVE DUTY PROGRAM.*—Section 3011 is amend-  
 24 ed by adding at the end the following new subsection:



1       “(i) *The Secretary concerned shall inform any member*  
 2 *of the Armed Forces who has not completed that member’s*  
 3 *initial obligated period of active duty (as described in sub-*  
 4 *section (a)(1)(A)) and who indicates the intent to be dis-*  
 5 *charged or released from such duty for the convenience of*  
 6 *the Government of the minimum active duty requirements*  
 7 *for entitlement to educational assistance benefits under this*  
 8 *chapter. Such information shall be provided to the member*  
 9 *in a timely manner.”.*

10       (b) *RESERVE PROGRAM.*—Section 3012 is amended by  
 11 *adding at the end the following new subsection:*

12       “(g)(1) *The Secretary concerned shall inform any*  
 13 *member of the Armed Forces who has not completed that*  
 14 *member’s initial service (as described in paragraph (2))*  
 15 *and who indicates the intent to be discharged or released*  
 16 *from such service for the convenience of the Government of*  
 17 *the minimum service requirements for entitlement to edu-*  
 18 *cational assistance benefits under this chapter. Such infor-*  
 19 *mation shall be provided to the member in a timely man-*  
 20 *ner.*

21       “(2) *The initial service referred to in paragraph (1)*  
 22 *is the initial obligated period of active duty (described in*  
 23 *subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the*  
 24 *period of service in the Selected Reserve (described in sub-*  
 25 *paragraphs (A)(ii) or (B)(ii) of subsection (a)(1)).”.*

1       (c) *REPORT TO CONGRESS*.—Section 3036(b)(1) is  
 2   amended—

3           (1) by striking out “and (B)” and inserting in  
 4   lieu thereof “(B)”; and

5           (2) by inserting before the semicolon the follow-  
 6   ing: “, and (C) describing the efforts under sections  
 7   3011(i) and 3012(g) of this title to inform members  
 8   of the Armed Forces of the minimum service require-  
 9   ments for entitlement to educational assistance bene-  
 10   fits under this chapter and the results from such ef-  
 11   forts”.

12       (d) *EFFECTIVE DATES*.—(1) The amendments made  
 13   by subsections (a) and (b) shall take effect 120 days after  
 14   the date of the enactment of this Act.

15       (2) The amendments made by subsection (c) shall  
 16   apply with respect to reports to Congress submitted by the  
 17   Secretary of Defense under section 3036 of title 38, United  
 18   States Code, on or after January 1, 2000.

19   ***Subtitle B—Uniformed Services Em-***  
 20   ***ployment and Reemployment***  
 21   ***Rights Act Amendments***

22   ***SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A***  
 23   ***STATE AS AN EMPLOYER.***

24       (a) *IN GENERAL*.—Section 4323 is amended to read  
 25   as follows:

1   **“§ 4323. Enforcement of rights with respect to a State**  
2                           **or private employer**

3           “(a) *ACTION FOR RELIEF.—(1) A person who receives*  
4 *from the Secretary a notification pursuant to section*  
5 *4322(e) of this title of an unsuccessful effort to resolve a*  
6 *complaint relating to a State (as an employer) or a private*  
7 *employer may request that the Secretary refer the complaint*  
8 *to the Attorney General. If the Attorney General is reason-*  
9 *ably satisfied that the person on whose behalf the complaint*  
10 *is referred is entitled to the rights or benefits sought, the*  
11 *Attorney General may appear on behalf of, and act as attor-*  
12 *ney for, the person on whose behalf the complaint is submit-*  
13 *ted and commence an action for relief under this chapter*  
14 *for such person. In the case of such an action against a*  
15 *State (as an employer), the action shall be brought in the*  
16 *name of the United States as the plaintiff in the action.*

17           “(2) *A person may commence an action for relief with*  
18 *respect to a complaint against a State (as an employer)*  
19 *or a private employer if the person—*

20                   “(A) *has chosen not to apply to the Secretary for*  
21 *assistance under section 4322(a) of this title;*

22                   “(B) *has chosen not to request that the Secretary*  
23 *refer the complaint to the Attorney General under*  
24 *paragraph (1); or*

1           “(C) *has been refused representation by the At-*  
2           *torney General with respect to the complaint under*  
3           *such paragraph.*

4           “(b) *JURISDICTION.—(1) In the case of an action*  
5           *against a State (as an employer) or a private employer*  
6           *commenced by the United States, the district courts of the*  
7           *United States shall have jurisdiction over the action.*

8           “(2) *In the case of an action against a State (as an*  
9           *employer) by a person, the action may be brought in a State*  
10          *court of competent jurisdiction in accordance with the laws*  
11          *of the State.*

12          “(3) *In the case of an action against a private em-*  
13          *ployer by a person, the district courts of the United States*  
14          *shall have jurisdiction of the action.*

15          “(c) *VENUE.—(1) In the case of an action by the*  
16          *United States against a State (as an employer), the action*  
17          *may proceed in the United States district court for any dis-*  
18          *trict in which the State exercises any authority or carries*  
19          *out any function.*

20          “(2) *In the case of an action against a private em-*  
21          *ployer, the action may proceed in the United States district*  
22          *court for any district in which the private employer of the*  
23          *person maintains a place of business.*

24          “(d) *REMEDIES.—(1) In any action under this section,*  
25          *the court may award relief as follows:*

1           “(A) *The court may require the employer to com-*  
2           *ply with the provisions of this chapter.*

3           “(B) *The court may require the employer to com-*  
4           *pensate the person for any loss of wages or benefits*  
5           *suffered by reason of such employer’s failure to com-*  
6           *ply with the provisions of this chapter.*

7           “(C) *The court may require the employer to pay*  
8           *the person an amount equal to the amount referred to*  
9           *in subparagraph (B) as liquidated damages, if the*  
10          *court determines that the employer’s failure to comply*  
11          *with the provisions of this chapter was willful.*

12          “(2)(A) *Any compensation awarded under subpara-*  
13          *graph (B) or (C) of paragraph (1) shall be in addition to,*  
14          *and shall not diminish, any of the other rights and benefits*  
15          *provided for under this chapter.*

16          “(B) *In the case of an action commenced in the name*  
17          *of the United States for which the relief includes compensa-*  
18          *tion awarded under subparagraph (B) or (C) of paragraph*  
19          *(1), such compensation shall be held in a special deposit*  
20          *account and shall be paid, on order of the Attorney General,*  
21          *directly to the person. If the compensation is not paid to*  
22          *the person because of inability to do so within a period of*  
23          *three years, the compensation shall be covered into the*  
24          *Treasury of the United States as miscellaneous receipts.*

1       “(3) *A State shall be subject to the same remedies, in-*  
 2 *cluding prejudgment interest, as may be imposed upon any*  
 3 *private employer under this section.*

4       “(e) *EQUITY POWERS.—The court may use its full eq-*  
 5 *uity powers, including temporary or permanent injunc-*  
 6 *tions, temporary restraining orders, and contempt orders,*  
 7 *to vindicate fully the rights or benefits of persons under this*  
 8 *chapter.*

9       “(f) *STANDING.—An action under this chapter may be*  
 10 *initiated only by a person claiming rights or benefits under*  
 11 *this chapter under subsection (a) or by the United States*  
 12 *under subsection (a)(1).*

13       “(g) *RESPONDENT.—In any action under this chapter,*  
 14 *only an employer or a potential employer, as the case may*  
 15 *be, shall be a necessary party respondent.*

16       “(h) *FEEES, COURT COSTS.—(1) No fees or court costs*  
 17 *may be charged or taxed against any person claiming rights*  
 18 *under this chapter.*

19       “(2) *In any action or proceeding to enforce a provision*  
 20 *of this chapter by a person under subsection (a)(2) who ob-*  
 21 *tained private counsel for such action or proceeding, the*  
 22 *court may award any such person who prevails in such*  
 23 *action or proceeding reasonable attorney fees, expert witness*  
 24 *fees, and other litigation expenses.*

1       “(i) *INAPPLICABILITY OF STATE STATUTE OF LIMITA-*  
 2   *TIONS.—No State statute of limitations shall apply to any*  
 3   *proceeding under this chapter.*

4       “(j) *DEFINITION.—In this section, the term ‘private*  
 5   *employer’ includes a political subdivision of a State.”.*

6       (b) *EFFECTIVE DATE.—(1) Section 4323 of title 38,*  
 7   *United States Code, as amended by subsection (a), shall*  
 8   *apply to actions commenced under chapter 43 of such title*  
 9   *on or after the date of the enactment of this Act, and shall*  
 10   *apply to actions commenced under such chapter before the*  
 11   *date of the enactment of this Act that are not final on the*  
 12   *date of the enactment of this Act, without regard to when*  
 13   *the cause of action accrued.*

14       (2) *In the case of any such action against a State (as*  
 15   *an employer) in which a person, on the day before the date*  
 16   *of the enactment of this Act, is represented by the Attorney*  
 17   *General under section 4323(a)(1) of such title as in effect*  
 18   *on such day, the court shall upon motion of the Attorney*  
 19   *General, substitute the United States as the plaintiff in the*  
 20   *action pursuant to such section as amended by subsection*  
 21   *(a).*

1 **SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOY-**  
 2 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**  
 3 **BERS OF THE UNIFORMED SERVICES.**

4 (a) *DEFINITION OF EMPLOYEE.*—Section 4303(3) is  
 5 amended by adding at the end the following new sentence:  
 6 “Such term includes any person who is a citizen, national,  
 7 or permanent resident alien of the United States employed  
 8 in a workplace in a foreign country by an employer that  
 9 is an entity incorporated or otherwise organized in the  
 10 United States or that is controlled by an entity organized  
 11 in the United States, within the meaning of section 4319(c)  
 12 of this title.”.

13 (b) *FOREIGN COUNTRIES.*—(1) Subchapter II of chap-  
 14 ter 43 is amended by inserting after section 4318 the follow-  
 15 ing new section:

16 **“§4319. Employment and reemployment rights in for-**  
 17 **eign countries**

18 “(a) *LIABILITY OF CONTROLLING UNITED STATES EM-*  
 19 *PLOYER OF FOREIGN ENTITY.*—If an employer controls an  
 20 entity that is incorporated or otherwise organized in a for-  
 21 eign country, any denial of employment, reemployment, or  
 22 benefit by such entity shall be presumed to be by such em-  
 23 ployer.

24 “(b) *INAPPLICABILITY TO FOREIGN EMPLOYER.*—This  
 25 subchapter does not apply to foreign operations of an em-



1 *ployer that is a foreign person not controlled by an United*  
 2 *States employer.*

3 “(c) *DETERMINATION OF CONTROLLING EMPLOYER.*—  
 4 *For the purpose of this section, the determination of whether*  
 5 *an employer controls an entity shall be based upon the*  
 6 *interrelations of operations, common management, central-*  
 7 *ized control of labor relations, and common ownership or*  
 8 *financial control of the employer and the entity.*

9 “(d) *EXEMPTION.*—*Notwithstanding any other provi-*  
 10 *sion of this subchapter, an employer, or an entity controlled*  
 11 *by an employer, shall be exempt from compliance with any*  
 12 *of sections 4311 through 4318 of this title with respect to*  
 13 *an employee in a workplace in a foreign country, if compli-*  
 14 *ance with that section would cause such employer, or such*  
 15 *entity controlled by an employer, to violate the law of the*  
 16 *foreign country in which the workplace is located.”.*

17 (2) *The table of sections at the beginning of chapter*  
 18 *43 is amended by inserting after the item relating to section*  
 19 *4318 the following new item:*

*“4319. Employment and reemployment rights in foreign countries.”.*

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 21 *section shall apply only with respect to causes of action*  
 22 *arising after the date of the enactment of this Act.*

1 **SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF**  
 2 **MEMBERS OF THE UNIFORMED SERVICES IN**  
 3 **FEDERAL SERVICE.**

4 (a) *IN GENERAL.*—*The first sentence of paragraph (1)*  
 5 *of section 4324(c) is amended by inserting before the period*  
 6 *at the end the following: “, without regard as to whether*  
 7 *the complaint accrued before, on, or after October 13, 1994”.*

8 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 9 *section (a) shall apply to complaints filed with the Merit*  
 10 *Systems Protection Board on or after October 13, 1994.*

11 **TITLE III—COMPENSATION,**  
 12 **PENSION, AND INSURANCE**

13 **SEC. 301. MEDAL OF HONOR SPECIAL PENSION.**

14 (a) *INCREASE.*—*Section 1562(a) is amended by strik-*  
 15 *ing out “\$400” and inserting in lieu thereof “\$600”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 17 *section (a) shall take effect on the first day of the first*  
 18 *month beginning on or after the date of the enactment of*  
 19 *this Act.*

20 **SEC. 302. ACCELERATED DEATH BENEFIT FOR**  
 21 **SERVICEMEMBERS’ GROUP LIFE INSURANCE**  
 22 **AND VETERANS’ GROUP LIFE INSURANCE**  
 23 **PARTICIPANTS.**

24 (a) *IN GENERAL.*—*(1) Subchapter III of chapter 19*  
 25 *is amended by adding at the end the following new section:*

1   ***“§ 1980. Option to receive accelerated death benefit***

2           “(a) *For the purpose of this section, a person shall be*  
3 *considered to be terminally ill if the person has a medical*  
4 *prognosis such that the life expectancy of the person is less*  
5 *than a period prescribed by the Secretary. The maximum*  
6 *length of such period may not exceed 12 months.*

7           “(b)(1) *A terminally ill person insured under*  
8 *Servicemembers’ Group Life Insurance or Veterans’ Group*  
9 *Life Insurance may elect to receive in a lump-sum payment*  
10 *a portion of the face value of the insurance as an accelerated*  
11 *death benefit reduced by an amount necessary to assure that*  
12 *there is no increase in the actuarial value of the benefit*  
13 *paid, as determined by the Secretary.*

14           “(2) *The Secretary shall prescribe the maximum*  
15 *amount of the accelerated death benefit available under this*  
16 *section that the Secretary finds to be administratively prac-*  
17 *ticable and actuarially sound, but in no event may the*  
18 *amount of the benefit exceed the amount equal to 50 percent*  
19 *of the face value of the person’s insurance in force on the*  
20 *date the election of the person to receive the benefit is ap-*  
21 *proved.*

22           “(3) *A person making an election under this section*  
23 *may elect to receive an amount that is less than the maxi-*  
24 *mum amount prescribed under paragraph (2). The Sec-*  
25 *retary shall prescribe the increments in which a reduced*  
26 *amount under this paragraph may be elected.*

1       “(c) *The portion of the face value of insurance which*  
2 *is not paid in a lump sum as an accelerated death benefit*  
3 *under this section shall remain payable in accordance with*  
4 *the provisions of this chapter.*

5       “(d) *Deductions under section 1969 of this title and*  
6 *premiums under section 1977(c) of this title shall be re-*  
7 *duced, in a manner consistent with the percentage reduction*  
8 *in the face value of the insurance as a result of payment*  
9 *of an accelerated death benefit under this section, effective*  
10 *with respect to any amounts which would otherwise become*  
11 *due on or after the date of payment under this section.*

12       “(e) *The Secretary shall prescribe regulations to carry*  
13 *out this section. Such regulations shall include provisions*  
14 *regarding—*

15               “(1) *the form and manner in which an applica-*  
16 *tion for an election under this section shall be made;*  
17 *and*

18               “(2) *the procedures under which any such appli-*  
19 *cation shall be considered.*

20       “(f)(1) *An election to receive a benefit under this sec-*  
21 *tion shall be irrevocable.*

22       “(2) *A person may not make more than one election*  
23 *under this section, even if the election of the person is to*  
24 *receive less than the maximum amount of the benefit avail-*  
25 *able to the person under this section.*

1       “(g) If a person insured under Servicemembers’ Group  
 2 Life Insurance elects to receive a benefit under this section  
 3 and the person’s Servicemembers’ Group Life Insurance is  
 4 thereafter converted to Veterans’ Group Life Insurance as  
 5 provided in section 1968(b) of this title, the amount of the  
 6 benefit paid under this section shall reduce the amount of  
 7 Veterans’ Group Life Insurance available to the person  
 8 under section 1977(a) of this title.

9       “(h) Notwithstanding any other provision of law, the  
 10 amount of the accelerated death benefit received by a person  
 11 under this section shall not be considered income or re-  
 12 sources for purposes of determining eligibility for or the  
 13 amount of benefits under any Federal or federally-assisted  
 14 program or for any other purpose.”.

15       (2) The table of sections at the beginning of such chap-  
 16 ter is amended by inserting after the item relating to section  
 17 1979 the following new item:

“1980. Option to receive accelerated death benefit.”.

18       (b) CONFORMING AMENDMENTS.—Section 1970(g) is  
 19 amended in the first sentence—

20               (1) by striking out “Payments of benefits” and  
 21 inserting in lieu thereof “Any payments”; and

22               (2) by inserting “an insured or” after “or on ac-  
 23 count of”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 2 *section shall take effect 90 days after the date of the enact-*  
 3 *ment of this Act.*

4 **SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE**  
 5 **AND SURVIVOR BENEFITS PROGRAMS FOR**  
 6 **SURVIVORS OF VETERANS WITH SERVICE-**  
 7 **CONNECTED DISABILITIES.**

8       (a) *REPORT ON ASSESSMENT.*—*Not later than October*  
 9 *1, 1999, the Secretary of Veterans Affairs shall submit to*  
 10 *the Committees on Veterans' Affairs of the Senate and the*  
 11 *House of Representatives a report containing an assessment*  
 12 *of the adequacy of the insurance and survivor benefits pro-*  
 13 *grams of the Department of Veterans Affairs (including the*  
 14 *payment of dependency and indemnity compensation under*  
 15 *chapter 13 of title 38, United States Code) in meeting the*  
 16 *needs of survivors of veterans with service-connected disabil-*  
 17 *ities, including survivors of catastrophically disabled veter-*  
 18 *ans who cared for those veterans.*

19       (b) *REPORT ELEMENTS.*—*The report on the assessment*  
 20 *under subsection (a) shall include the following:*

21               (1) *An identification of the characteristics that*  
 22 *make a disabled veteran catastrophically disabled.*

23               (2) *A statement of the number of veterans with*  
 24 *service-connected disabilities who participate in in-*  
 25 *surance programs administered by the Department.*

1           (3) *A statement of the number of survivors of*  
2           *veterans with service-connected disabilities who re-*  
3           *ceive dependency and indemnity compensation under*  
4           *chapter 13 of title 38, United States Code.*

5           (4) *Data on veterans with service-connected dis-*  
6           *abilities that are relevant to the insurance programs*  
7           *administered by the Department, and an assessment*  
8           *how such data might be used to better determine the*  
9           *cost above standard premium rates of insuring veter-*  
10          *ans with service-connected disabilities under such*  
11          *programs.*

12          (5) *An analysis of various methods of accounting*  
13          *and providing for the additional cost of insuring the*  
14          *lives of veterans with service-connected disabilities*  
15          *under the insurance programs administered by the*  
16          *Department.*

17          (6) *An assessment of the adequacy and effective-*  
18          *ness of the current insurance programs and depend-*  
19          *ency and indemnity compensation programs of the*  
20          *Department in meeting the needs of survivors of se-*  
21          *verely-disabled or catastrophically-disabled veterans.*

22          (7) *An analysis of various methods of meeting*  
23          *the transitional financial needs of survivors of veter-*  
24          *ans with service-connected disabilities immediately*  
25          *after the deaths of such veterans.*

1           (8) *Such recommendations as the Secretary con-*  
 2           *siders appropriate regarding means of improving the*  
 3           *benefits available to survivors of veterans with service-*  
 4           *connected disabilities under programs administered*  
 5           *by the Department.*

6 **SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.**

7           (a) *ELIGIBILITY OF CERTAIN VETERANS FOR DIVI-*  
 8           *DENDS UNDER NSLI PROGRAM.*—Section 1919(b) *is*  
 9           *amended—*

10           (1) *by striking “sections 602(c)(2) and” and in-*  
 11           *serting “section”; and*

12           (2) *by striking “sections” after “under such” and*  
 13           *inserting “section”.*

14           (b) *EFFECTIVE DATE.*—*The amendments made by this*  
 15           *section shall take effect at the end of the 90-day period be-*  
 16           *ginning on the date of the enactment of this Act.*

17 **TITLE IV—MEMORIAL AFFAIRS**

18 **SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE RE-**  
 19 **MAINS ARE UNAVAILABLE FOR INTERMENT.**

20           (a) *MEMORIAL HEADSTONES OR MARKERS FOR CER-*  
 21           *TAIN MEMBERS OF THE ARMED FORCES AND SPOUSES.*—

22 *Subsection (b) of section 2306 is amended to read as follows:*

23           “(b)(1) *The Secretary shall furnish, when requested, an*  
 24           *appropriate memorial headstone or marker for the purpose*  
 25           *of commemorating an eligible individual whose remains are*



1 *unavailable. Such a headstone or marker shall be furnished*  
 2 *for placement in a national cemetery area reserved for that*  
 3 *purpose under section 2403 of this title, a veterans' ceme-*  
 4 *tery owned by a State, or, in the case of a veteran, in a*  
 5 *State, local, or private cemetery.*

6       “(2) *For purposes of paragraph (1), an eligible indi-*  
 7 *vidual is any of the following:*

8               “(A) *A veteran.*

9               “(B) *The spouse or surviving spouse of a veteran.*

10       “(3) *For purposes of paragraph (1), the remains of an*  
 11 *individual shall be considered to be unavailable if the indi-*  
 12 *vidual's remains—*

13               “(A) *have not been recovered or identified;*

14               “(B) *were buried at sea, whether by the individ-*  
 15 *ual's own choice or otherwise;*

16               “(C) *were donated to science; or*

17               “(D) *were cremated and the ashes scattered with-*  
 18 *out interment of any portion of the ashes.*

19       “(4) *For purposes of this subsection:*

20               “(A) *The term ‘veteran’ includes an individual*  
 21 *who dies in the active military, naval, or air service.*

22               “(B) *The term ‘surviving spouse’ includes an*  
 23 *unremarried surviving spouse whose subsequent re-*  
 24 *marriage was terminated by death or divorce.”.*

1       (b) *ALTERNATIVE COMMEMORATION FOR CERTAIN*  
 2 *SPOUSES.*—*Such section is further amended by adding at*  
 3 *the end the following new subsection:*

4       “(e)(1) *When the Secretary has furnished a headstone*  
 5 *or marker under subsection (a) for the unmarked grave of*  
 6 *an individual, the Secretary shall, if feasible, add a memo-*  
 7 *rial inscription to that headstone or marker rather than*  
 8 *furnishing a separate headstone or marker under that sub-*  
 9 *section for the surviving spouse of such individual.*

10       “(2) *When the Secretary has furnished a memorial*  
 11 *headstone or marker under subsection (b) for purposes of*  
 12 *commemorating a veteran or an individual who died in the*  
 13 *active military, naval, or air service, the Secretary shall,*  
 14 *if feasible, add a memorial inscription to that headstone*  
 15 *or marker rather than furnishing a separate memorial*  
 16 *headstone or marker under that subsection for the surviving*  
 17 *spouse of such individual.”.*

18       (c) *MEMORIAL AREAS.*—*Section 2403(b) is amended*  
 19 *to read as follows:*

20       “(b) *Under regulations prescribed by the Secretary,*  
 21 *group memorials may be placed to honor the memory of*  
 22 *groups of individuals referred to in subsection (a), and ap-*  
 23 *propriate memorial headstones and markers may be placed*  
 24 *to honor the memory of individuals referred to in subsection*  
 25 *(a) and section 2306(b) of this title.”.*

1       (d) *EFFECTIVE DATE.*—*The amendments made by*  
 2       *subsections (a) and (b) shall apply to deaths occurring after*  
 3       *the date of the enactment of this Act.*

4       **SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY**  
 5               **BENEFITS.**

6       (a) *BENEFITS.*—*Part G of subtitle II of title 46,*  
 7       *United States Code, is amended by inserting after chapter*  
 8       *111 the following new chapter:*

9               **“CHAPTER 112—MERCHANT MARINER**  
 10               **BENEFITS**

“Sec.

“11201. *Eligibility for veterans’ burial and cemetery benefits.*

“11202. *Qualified service.*

“11203. *Documentation of qualified service.*

“11204. *Processing fees.*

11       **“§ 11201. Eligibility for veterans’ burial and cemetery**  
 12               **benefits**

13       “(a) *ELIGIBILITY.*—

14               “(1) *IN GENERAL.*—*The qualified service of a*  
 15       *person referred to in paragraph (2) shall be consid-*  
 16       *ered to be active duty in the Armed Forces during a*  
 17       *period of war for purposes of eligibility for benefits*  
 18       *under the following provisions of title 38:*

19               “(A) *Chapter 23 (relating to burial bene-*  
 20       *fits).*

21               “(B) *Chapter 24 (relating to interment in*  
 22       *national cemeteries).*

1           “(2) *COVERED INDIVIDUALS.*—Paragraph (1)  
2           *applies to a person who—*

3                   “(A) *receives an honorable service certificate*  
4                   *under section 11203 of this title; and*

5                   “(B) *is not eligible under any other provi-*  
6                   *sion of law for benefits under laws administered*  
7                   *by the Secretary of Veterans Affairs.*

8           “(b) *REIMBURSEMENT FOR BENEFITS PROVIDED.*—  
9           *The Secretary shall reimburse the Secretary of Veterans Af-*  
10           *fairs for the value of benefits that the Secretary of Veterans*  
11           *Affairs provides for a person by reason of eligibility under*  
12           *this section.*

13           “(c) *APPLICABILITY.*—

14                   “(1) *GENERAL RULE.*—*Benefits may be provided*  
15                   *under the provisions of law referred to in subsection*  
16                   *(a)(1) by reason of this chapter only for deaths occur-*  
17                   *ring after the date of the enactment of this chapter.*

18                   “(2) *BURIALS, ETC. IN NATIONAL CEME-*  
19                   *TERIES.*—*Notwithstanding paragraph (1), in the case*  
20                   *of an initial burial or columbarium placement after*  
21                   *the date of the enactment of this chapter, benefits may*  
22                   *be provided under chapter 24 of title 38 by reason of*  
23                   *this chapter (regardless of the date of death), and in*  
24                   *such a case benefits may be provided under section*  
25                   *2306 of such title.*

1 **“§ 11202. Qualified service**

2       *“For purposes of this chapter, a person shall be consid-*  
 3 *ered to have engaged in qualified service if, between August*  
 4 *16, 1945, and December 31, 1946, the person—*

5           *“(1) was a member of the United States mer-*  
 6 *chant marine (including the Army Transport Service*  
 7 *and the Naval Transportation Service) serving as a*  
 8 *crewmember of a vessel that was—*

9           *“(A) operated by the War Shipping Admin-*  
 10 *istration or the Office of Defense Transportation*  
 11 *(or an agent of the Administration or Office);*

12           *“(B) operated in waters other than inland*  
 13 *waters, the Great Lakes, and other lakes, bays,*  
 14 *and harbors of the United States;*

15           *“(C) under contract or charter to, or prop-*  
 16 *erty of, the Government of the United States;*  
 17 *and*

18           *“(D) serving the Armed Forces; and*

19           *“(2) while so serving, was licensed or otherwise*  
 20 *documented for service as a crewmember of such a*  
 21 *vessel by an officer or employee of the United States*  
 22 *authorized to license or document the person for such*  
 23 *service.*

24 **“§ 11203. Documentation of qualified service**

25       *“(a) RECORD OF SERVICE.—The Secretary, or in the*  
 26 *case of personnel of the Army Transport Service or the*

1 *Naval Transport Service, the Secretary of Defense, shall,*  
2 *upon application—*

3           “(1) *issue a certificate of honorable service to a*  
4           *person who, as determined by that Secretary, engaged*  
5           *in qualified service of a nature and duration that*  
6           *warrants issuance of the certificate; and*

7           “(2) *correct, or request the appropriate official of*  
8           *the Government to correct, the service records of that*  
9           *person to the extent necessary to reflect the qualified*  
10          *service and the issuance of the certificate of honorable*  
11          *service.*

12          “(b) *TIMING OF DOCUMENTATION.—A Secretary re-*  
13          *ceiving an application under subsection (a) shall act on the*  
14          *application not later than one year after the date of that*  
15          *receipt.*

16          “(c) *STANDARDS RELATING TO SERVICE.—In making*  
17          *a determination under subsection (a)(1), the Secretary act-*  
18          *ing on the application shall apply the same standards relat-*  
19          *ing to the nature and duration of service that apply to the*  
20          *issuance of honorable discharges under section 401(a)(1)(B)*  
21          *of the GI Bill Improvement Act of 1977 (38 U.S.C. 106*  
22          *note).*

23          “(d) *CORRECTION OF RECORDS.—An official who is*  
24          *requested under subsection (a)(2) to correct the service*  
25          *records of a person shall make such correction.*

1 **“§ 11204. Processing fees**

2       “(a) *COLLECTION OF FEES.*—*The Secretary, or in the*  
 3 *case of personnel of the Army Transport Service or the*  
 4 *Naval Transport Service, the Secretary of Defense, shall col-*  
 5 *lect a fee of \$30 from each applicant for processing an ap-*  
 6 *plication submitted under section 11203(a) of this title.*

7       “(b) *TREATMENT OF FEES COLLECTED.*—*Amounts re-*  
 8 *ceived by the Secretary under this section shall be deposited*  
 9 *in the General Fund of the Treasury as offsetting receipts*  
 10 *of the department in which the Coast Guard is operating*  
 11 *and ascribed to Coast Guard activities. Amounts received*  
 12 *by the Secretary of Defense under this section shall be depos-*  
 13 *ited in the General Fund of the Treasury as offsetting re-*  
 14 *ceipts of the Department of Defense. In either case, such*  
 15 *amounts shall be available, subject to appropriation, for the*  
 16 *administrative costs of processing applications under sec-*  
 17 *tion 11203 of this title.”.*

18       (b) *CLERICAL AMENDMENT.*—*The table of chapters at*  
 19 *the beginning of subtitle II of title 46, United States Code,*  
 20 *is amended by inserting after the item relating to chapter*  
 21 *111 the following new item:*

“112. *Merchant Mariner Benefits* ..... 11201”.

1 **SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYS-**  
 2 **TEM AND ESTABLISHMENT OF UNDER SEC-**  
 3 **RETARY FOR MEMORIAL AFFAIRS.**

4 (a) *REDESIGNATION AS NATIONAL CEMETERY ADMIN-*  
 5 *ISTRATION.—(1) The National Cemetery System of the De-*  
 6 *partment of Veterans Affairs shall hereafter be known and*  
 7 *designated as the National Cemetery Administration. The*  
 8 *position of Director of the National Cemetery System is*  
 9 *hereby redesignated as Under Secretary of Veterans Affairs*  
 10 *for Memorial Affairs.*

11 (2) *Section 301(c)(4) is amended by striking out “Na-*  
 12 *tional Cemetery System” and inserting in lieu thereof “Na-*  
 13 *tional Cemetery Administration”.*

14 (3) *Section 307 is amended—*

15 (A) *in the first sentence, by striking out “a Di-*  
 16 *rector of the National Cemetery System” and insert-*  
 17 *ing in lieu thereof “an Under Secretary for Memorial*  
 18 *Affairs”; and*

19 (B) *in the second sentence, by striking out “The*  
 20 *Director” and all that follows through “National*  
 21 *Cemetery System” and inserting in lieu thereof “The*  
 22 *Under Secretary is the head of the National Cemetery*  
 23 *Administration”.*

24 (b) *PAY RATE FOR UNDER SECRETARY.—Chapter 53*  
 25 *of title 5, United States Code, is amended—*



1           (1) in section 5314, by inserting after the item  
 2           relating to the Under Secretary for Benefits of the De-  
 3           partment of Veterans Affairs the following new item:

4           “Under Secretary for Memorial Affairs, Depart-  
 5           ment of Veterans Affairs.”; and

6           (2) in section 5315, by striking out “Director of  
 7           the National Cemetery System.”.

8           (c) CONFORMING AMENDMENTS.—

9           (1)(A) The heading of section 307 is amended to  
 10          read as follows:

11       **“§ 307. Under Secretary for Memorial Affairs”.**

12           (B) The item relating to section 307 in the table  
 13          of sections at the beginning of chapter 3 is amended  
 14          to read as follows:

“307. Under Secretary for Memorial Affairs.”.

15           (2) Section 2306(d) is amended by striking out  
 16          “within the National Cemetery System” each place  
 17          such term appears and inserting in lieu thereof  
 18          “under the control of the National Cemetery Adminis-  
 19          tration”.

20           (3) Section 2400 is amended—

21           (A) in subsection (a)—

22           (i) by striking out “National Cemetery  
 23          System” and inserting in lieu thereof “Na-  
 24          tional Cemetery Administration respon-  
 25          sible”; and

1                   (ii) in the second sentence, by striking  
 2                   out “Such system” and all that follows  
 3                   through “National Cemetery System” and  
 4                   inserting in lieu thereof “The National  
 5                   Cemetery Administration shall be headed by  
 6                   the Under Secretary for Memorial Affairs”;

7                   (B) in subsection (b), by striking out “Na-  
 8                   tional Cemetery System” and inserting in lieu  
 9                   thereof “national cemeteries and other facilities  
 10                  under the control of the National Cemetery Ad-  
 11                  ministration”; and

12                  (C) by amending the heading to read as fol-  
 13                  lows:

14   **“§ 2400. Establishment of National Cemetery Adminis-**  
 15       **tration; composition of Administration”.**

16                  (4) The item relating to section 2400 in the table  
 17                  of sections at the beginning of chapter 24 is amended  
 18                  to read as follows:

“2400. Establishment of National Cemetery Administration; composition of Ad-  
 ministration.”.

19                  (5) Section 2402 is amended in the matter pre-  
 20                  ceding paragraph (1) by striking out “in the National  
 21                  Cemetery System” and inserting in lieu thereof  
 22                  “under the control of the National Cemetery Adminis-  
 23                  tration”.

1           (6) *Section 2403(c) is amended by striking out*  
 2           *“in the National Cemetery System created by this*  
 3           *chapter” and inserting in lieu thereof “under the con-*  
 4           *trol of the National Cemetery Administration”.*

5           (7) *Section 2405(c) is amended—*

6                     (A) *by striking out “within the National*  
 7                     *Cemetery System” and inserting in lieu thereof*  
 8                     *“under the control of the National Cemetery Ad-*  
 9                     *ministration”; and*

10                    (B) *by striking out “within such System”*  
 11                    *and inserting in lieu thereof “under the control*  
 12                    *of such Administration”.*

13           (8) *Section 2408(c)(1) is amended by striking*  
 14           *out “in the National Cemetery System” and inserting*  
 15           *in lieu thereof “under the control of the National*  
 16           *Cemetery Administration”.*

17           (d) *REFERENCES.—*

18                    (1) *Any reference in a law, map, regulation, doc-*  
 19                    *ument, paper, or other record of the United States to*  
 20                    *the National Cemetery System shall be deemed to be*  
 21                    *a reference to the National Cemetery Administration.*

22                    (2) *Any reference in a law, map, regulation, doc-*  
 23                    *ument, paper, or other record of the United States to*  
 24                    *the Director of the National Cemetery System shall be*

1        *deemed to be a reference to the Under Secretary of*  
 2        *Veterans Affairs for Memorial Affairs.*

3    **SEC. 404. STATE CEMETERY GRANTS PROGRAM.**

4        *(a) AMOUNT OF GRANT RELATIVE TO PROJECT*  
 5    *COST.—(1) Paragraphs (1) and (2) of section 2408(b) are*  
 6    *amended to read as follows:*

7            *“(1) The amount of a grant under this section*  
 8        *may not exceed—*

9            *“(A) in the case of the establishment of a*  
 10        *new cemetery, the sum of (i) the cost of improve-*  
 11        *ments to be made on the land to be converted*  
 12        *into a cemetery, and (ii) the cost of initial*  
 13        *equipment necessary to operate the cemetery; and*

14            *“(B) in the case of the expansion or im-*  
 15        *provement of an existing cemetery, the sum of (i)*  
 16        *the cost of improvements to be made on any land*  
 17        *to be added to the cemetery, and (ii) the cost of*  
 18        *any improvements to be made to the existing*  
 19        *cemetery.*

20            *“(2) If the amount of a grant under this section*  
 21        *is less than the amount of costs referred to in sub-*  
 22        *paragraph (A) or (B) of paragraph (1), the State re-*  
 23        *ceiving the grant shall contribute the excess of such*  
 24        *costs over the grant.”.*

11 (c) *EXTENSION OF AUTHORIZATION OF APPROPRIA-*  
12 *TIONS FOR GRANT PROGRAM.—Paragraph (2) of section*  
13 *2408(a) is amended to read as follows:*

18 ***TITLE V—COURT OF VETERANS***  
19 ***APPEALS***

22 *SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING*  
23 *CONFIRMATION FOR SECOND TERM.*

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1 *President for appointment to an additional term on the*  
 2 *Court without a break in service and whose term of office*  
 3 *expires while that nomination is pending before the Senate*  
 4 *may continue in office for up to one year while that nomi-*  
 5 *nation is pending.”.*

6 **SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SE-**  
 7 **QUESTRATION ORDERS.**

8 *Section 7298 is amended by adding at the end the fol-*  
 9 *lowing new subsection:*

10 *“(g) For purpose of section 255(g)(1)(B) of the Bal-*  
 11 *anced Budget and Emergency Deficit Control Act of 1985*  
 12 *(2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated*  
 13 *in the same manner as the Claims Judges’ Retirement*  
 14 *Fund.”.*

15 **SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.**

16 *Subsection (o) of section 7297 is amended to read as*  
 17 *follows:*

18 *“(o) Each survivor annuity payable from the retire-*  
 19 *ment fund shall be increased at the same time as, and by*  
 20 *the same percentage by which, annuities payable from the*  
 21 *Judicial Survivors’ Annuities Fund are increased pursuant*  
 22 *to section 376(m) of title 28.”.*

1 **SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICA-**  
 2 **TIONS.**

3 (a) *REPORT ON JUDGES' RETIREMENT SYSTEM.*—Not  
 4 later than one year after the date of the enactment of this  
 5 Act, the chief judge of the United States Court of Appeals  
 6 for Veterans Claims shall submit to the Committees on Vet-  
 7 erans' Affairs of the Senate and House of Representatives  
 8 a report on the feasibility and desirability of merging the  
 9 retirement plan of the judges of that court with retirement  
 10 plans of other Federal judges.

11 (b) *REPORT ON SURVIVOR ANNUITIES PLAN.*—Not  
 12 later than six months after the date of the enactment of this  
 13 Act, the chief judge of the United States Court of Appeals  
 14 for Veterans Claims shall submit to the Committees on Vet-  
 15 erans' Affairs of the Senate and House of Representatives  
 16 a report on the feasibility and desirability of allowing  
 17 judges of that court to participate in the survivor annuity  
 18 programs available to other Federal judges.

19 ***Subtitle B—Renaming of Court***

20 **SEC. 511. RENAMING OF THE COURT OF VETERANS AP-**  
 21 **PEALS.**

22 (a) *IN GENERAL.*—The United States Court of Veter-  
 23 ans Appeals is hereby renamed as, and shall hereafter be  
 24 known and designated as, the United States Court of Ap-  
 25 peals for Veterans Claims.

1       (b) *SECTION 7251.*—*Section 7251 is amended by strik-*  
 2 *ing “United States Court of Veterans Appeals” and insert-*  
 3 *ing “United States Court of Appeals for Veterans Claims”.*

4 **SEC. 512. CONFORMING AMENDMENTS.**

5       (a) *CONFORMING AMENDMENTS TO TITLE 38, UNITED*  
 6 *STATES CODE.*—

7           (1) *The following sections are amended by strik-*  
 8 *ing “Court of Veterans Appeals” each place it ap-*  
 9 *pears and inserting “Court of Appeals for Veterans*  
 10 *Claims”: sections 5904, 7101(b), 7252(a), 7253, 7254,*  
 11 *7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1),*  
 12 *7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284,*  
 13 *7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.*

14           (2)(A) *The heading of section 7286 is amended*  
 15 *to read as follows:*

16 **“§ 7286. Judicial Conference of the Court”.**

17           (B) *The heading of section 7291 is amended to*  
 18 *read as follows:*

19 **“§ 7291. Date when Court decision becomes final”.**

20           (C) *The heading of section 7298 is amended to*  
 21 *read as follows:*

22 **“§ 7298. Retirement Fund”.**

23           (3) *The table of sections at the beginning of*  
 24 *chapter 72 is amended as follows:*



1                   (A) *The item relating to section 7286 is*  
 2                   *amended to read as follows:*

*“7286. Judicial Conference of the Court.”.*

3                   (B) *The item relating to section 7291 is*  
 4                   *amended to read as follows:*

*“7291. Date when Court decision becomes final.”.*

5                   (C) *The item relating to section 7298 is*  
 6                   *amended to read as follows:*

*“7298. Retirement Fund.”.*

7                   (4)(A) *The heading of chapter 72 is amended to*  
 8                   *read as follows:*

9                   **“CHAPTER 72—UNITED STATES COURT OF**  
 10                   **APPEALS FOR VETERANS CLAIMS”.**

11                   (B) *The item relating to chapter 72 in the table*  
 12                   *of chapters at the beginning of title 38, United States*  
 13                   *Code, and the item relating to such chapter in the*  
 14                   *table of chapters at the beginning of part V are*  
 15                   *amended to read as follows:*

*“72. United States Court of Appeals for Veterans Claims ..... 7251”.*

16                   (b) *CONFORMING AMENDMENTS TO OTHER LAWS.—*

17                   (1) *The following provisions of law are amended*  
 18                   *by striking “Court of Veterans Appeals” each place it*  
 19                   *appears and inserting “Court of Appeals for Veterans*  
 20                   *Claims”:*

21                   (A) *Section 8440d of title 5, United States*  
 22                   *Code.*

1                   (B) Section 2412 of title 28, United States  
2                   Code.

3                   (C) Section 906 of title 44, United States  
4                   Code.

5                   (D) Section 109 of the Ethics in Govern-  
6                   ment Act of 1978 (5 U.S.C. App.).

7                   (2)(A) The heading of section 8440d of title 5,  
8                   United States Code, is amended to read as follows:

9                   **“§ 8440d. Judges of the United States Court of Appeals**  
10                   **for Veterans Claims”.**

11                   (B) The item relating to such section in the table  
12                   of sections at the beginning of chapter 84 of such title  
13                   is amended to read as follows:

“8440d. Judges of the United States Court of Appeals for Veterans Claims.”.

14                   (c) **OTHER LEGAL REFERENCES.**—Any reference in a  
15                   law, regulation, document, paper, or other record of the  
16                   United States to the United States Court of Veterans Ap-  
17                   peals shall be deemed to be a reference to the United States  
18                   Court of Appeals for Veterans Claims.

19                   **SEC. 513. EFFECTIVE DATE.**

20                   This subtitle, and the amendments made by this sub-  
21                   title, shall take effect on the first day of the first month  
22                   beginning more than 90 days after the date of the enactment  
23                   of this Act.

## **TITLE VI—HOUSING**

### **SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.**

(a) *IN GENERAL.*—Chapter 37 is amended by adding at the end the following new subchapter:

#### **“SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS**

##### **“§ 3771. Definitions**

*“For purposes of this subchapter:*

*“(1) The term ‘veteran’ has the meaning given such term by paragraph (2) of section 101.*

*“(2) The term ‘homeless veteran’ means a veteran who is a homeless individual.*

*“(3) The term ‘homeless individual’ has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).*

##### **“§ 3772. General authority**

*“(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.*

*“(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans*

1 *may be guaranteed during the three-year period beginning*  
2 *on the date of the enactment of this subchapter.*

3 “(2) *A guarantee of a loan under subsection (a) shall*  
4 *be in an amount that is not less than the amount necessary*  
5 *to sell the loan in a commercial market.*

6 “(3) *Not more than an aggregate amount of*  
7 *\$100,000,000 in loans may be guaranteed under subsection*  
8 *(a).*

9 “(c) *A loan may not be guaranteed under this sub-*  
10 *chapter unless, before closing such loan, the Secretary has*  
11 *approved the loan.*

12 “(d)(1) *The Secretary shall enter into contracts with*  
13 *a qualified nonprofit organization, or other qualified orga-*  
14 *nization, that has experience in underwriting transitional*  
15 *housing projects to obtain advice in carrying out this sub-*  
16 *chapter, including advice on the terms and conditions nec-*  
17 *essary for a loan that meets the requirements of section 3773*  
18 *of this title.*

19 “(2) *For purposes of paragraph (1), a nonprofit orga-*  
20 *nization is an organization that is described in paragraph*  
21 *(3) or (4) of subsection (c) of section 501 of the Internal*  
22 *Revenue Code of 1986 and is exempt from tax under sub-*  
23 *section (a) of such section.*

24 “(e) *The Secretary may carry out this subchapter in*  
25 *advance of the issuance of regulations for such purpose.*

1       “(f) *The Secretary may guarantee loans under this*  
 2 *subchapter notwithstanding any requirement for prior ap-*  
 3 *propriations for such purpose under any provision of law.*

4       **“§3773. Requirements**

5       “(a) *A loan referred to in section 3772 of this title*  
 6 *meets the requirements of this subchapter if each of the fol-*  
 7 *lowing requirements is met:*

8               “(1) *The loan—*

9                       “(A) *is for—*

10                               “(i) *construction of, rehabilitation of,*  
 11                               *or acquisition of land for a multifamily*  
 12                               *transitional housing project described in*  
 13                               *subsection (b), or more than one of such*  
 14                               *purposes; or*

15                               “(ii) *refinancing of an existing loan*  
 16                               *for such a project; and*

17                       “(B) *may also include additional reason-*  
 18                       *able amounts for—*

19                               “(i) *financing acquisition of furniture,*  
 20                               *equipment, supplies, or materials for the*  
 21                               *project; or*

22                               “(ii) *in the case of a loan made for*  
 23                               *purposes of subparagraph (A)(i), supplying*  
 24                               *the organization carrying out the project*  
 25                               *with working capital relative to the project.*

1           “(2) *The loan is made in connection with fund-*  
 2           *ing or the provision of substantial property or serv-*  
 3           *ices for such project by either a State or local govern-*  
 4           *ment or a nongovernmental entity, or both.*

5           “(3) *The maximum loan amount does not exceed*  
 6           *the lesser of—*

7                   “(A) *that amount generally approved (uti-*  
 8                   *lizing prudent underwriting principles) in the*  
 9                   *consideration and approval of projects of similar*  
 10                  *nature and risk so as to assure repayment of the*  
 11                  *loan obligation; and*

12                   “(B) *90 percent of the total cost of the*  
 13                  *project.*

14           “(4) *The loan is of sound value, taking into ac-*  
 15           *count the creditworthiness of the entity (and the indi-*  
 16           *vidual members of the entity) applying for such loan.*

17           “(5) *The loan is secured.*

18           “(6) *The loan is subject to such terms and condi-*  
 19           *tions as the Secretary determines are reasonable, tak-*  
 20           *ing into account other housing projects with similar-*  
 21           *ities in size, location, population, and services pro-*  
 22           *vided.*

23           “(b) *For purposes of this subchapter, a multifamily*  
 24           *transitional housing project referred to in subsection (a)(1)*  
 25           *is a project that—*

1           “(1) provides transitional housing to homeless  
2 veterans, which housing may be single room occu-  
3 pancy (as defined in section 8(n) of the United States  
4 Housing Act of 1937 (42 U.S.C. 1437f(n)));

5           “(2) provides supportive services and counselling  
6 services (including job counselling) at the project site  
7 with the goal of making such veterans self-sufficient;

8           “(3) requires that each such veteran seek to ob-  
9 tain and maintain employment;

10           “(4) charges a reasonable fee for occupying a  
11 unit in such housing; and

12           “(5) maintains strict guidelines regarding sobri-  
13 ety as a condition of occupying such unit.

14           “(c) Such a project—

15           “(1) may include space for neighborhood retail  
16 services or job training programs; and

17           “(2) may provide transitional housing to veter-  
18 ans who are not homeless and to homeless individuals  
19 who are not veterans if—

20           “(A) at the time of taking occupancy by  
21 any such veteran or homeless individual, the  
22 transitional housing needs of homeless veterans  
23 in the project area have been met;

24           “(B) the housing needs of any such veteran  
25 or homeless individual can be met in a manner

1           *that is compatible with the manner in which the*  
 2           *needs of homeless veterans are met under para-*  
 3           *graph (1); and*

4                   “(C) *the provisions of paragraphs (4) and*  
 5           *(5) of subsection (b) are met.*

6           “(d) *In determining whether to guarantee a loan under*  
 7           *this subchapter, the Secretary shall consider—*

8                   “(1) *the availability of Department of Veterans*  
 9           *Affairs medical services to residents of the multifam-*  
 10           *ily transitional housing project; and*

11                   “(2) *the extent to which needs of homeless veter-*  
 12           *ans are met in a community, as assessed under sec-*  
 13           *tion 107 of Public Law 102–405.*

14   **“§ 3774. Default**

15           “(a) *The Secretary shall take such steps as may be nec-*  
 16           *essary to obtain repayment on any loan that is in default*  
 17           *and that is guaranteed under this subchapter.*

18           “(b) *Upon default of a loan guaranteed under this sub-*  
 19           *chapter and terminated pursuant to State law, a lender*  
 20           *may file a claim under the guarantee for an amount not*  
 21           *to exceed the lesser of—*

22                   “(1) *the maximum guarantee; or*

23                   “(2) *the difference between—*

24                   “(A) *the total outstanding obligation on the*  
 25           *loan, including principal, interest, and expenses*



1           *authorized by the loan documents, through the*  
 2           *date of the public sale (as authorized under such*  
 3           *documents and State law); and*  
 4           *“(B) the amount realized at such sale.*

5   **“§ 3775. Audit**

6           *“During each of the first three years of operation of*  
 7           *a multifamily transitional housing project with respect to*  
 8           *which a loan is guaranteed under this subchapter, there*  
 9           *shall be an annual, independent audit of such operation.*  
 10          *Such audit shall include a detailed statement of the oper-*  
 11          *ations, activities, and accomplishments of such project dur-*  
 12          *ing the year covered by such audit. The party responsible*  
 13          *for obtaining such audit (and paying the costs therefor)*  
 14          *shall be determined before the Secretary issues a guarantee*  
 15          *under this subchapter.”.*

16          **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
 17          *the beginning of chapter 37 is amended by adding at the*  
 18          *end the following new items:*

                  “SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY  
                   TRANSITIONAL HOUSING FOR HOMELESS VETERANS

                  “3771. Definitions.

                  “3772. General authority.

                  “3773. Requirements.

                  “3774. Default.

                  “3775. Audit.”.

1 **SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND**

2 **ACCOUNT CONSOLIDATION.**

3 (a) *CONSOLIDATION OF HOUSING LOAN REVOLVING*  
 4 *FUNDS.*—*Subchapter III of chapter 37 is amended—*

5 (1) *by striking out sections 3723, 3724, and*  
 6 *3725; and*

7 (2) *by inserting after section 3721 the following*  
 8 *new section:*

9 **“§3722. Veterans Housing Benefit Program Fund**

10 “(a) *There is hereby established in the Treasury of the*  
 11 *United States a fund known as the Veterans Housing Bene-*  
 12 *fit Program Fund (hereafter in this section referred to as*  
 13 *the ‘Fund’).*

14 “(b) *The Fund shall be available to the Secretary,*  
 15 *without fiscal year limitation, for all housing loan oper-*  
 16 *ations under this chapter, other than administrative ex-*  
 17 *penses, consistent with the Federal Credit Reform Act of*  
 18 *1990.*

19 “(c) *There shall be deposited into the Fund the follow-*  
 20 *ing, which shall constitute the assets of the Fund:*

21 “(1) *Any amount appropriated to the Fund.*

22 “(2) *Amounts paid into the Fund under section*  
 23 *3729 of this title or any other provision of law or reg-*  
 24 *ulation established by the Secretary imposing fees on*  
 25 *persons or other entities participating in the housing*  
 26 *loan programs under this chapter.*

1           “(3) *All other amounts received by the Secretary*  
 2           *on or after October 1, 1998, incident to housing loan*  
 3           *operations under this chapter, including—*

4                     “(A) *collections of principal and interest on*  
 5                     *housing loans made by the Secretary under this*  
 6                     *chapter;*

7                     “(B) *proceeds from the sale, rental, use, or*  
 8                     *other disposition of property acquired under this*  
 9                     *chapter;*

10                    “(C) *proceeds from the sale of loans pursu-*  
 11                    *ant to sections 3720(h) and 3733(a)(3) of this*  
 12                    *title; and*

13                    “(D) *penalties collected pursuant to section*  
 14                    *3710(g)(4)(B) of this title.*

15           “(d) *Amounts deposited into the Fund under para-*  
 16           *graphs (2) and (3) of subsection (c) shall be deposited in*  
 17           *the appropriate financing or liquidating account of the*  
 18           *Fund.*

19           “(e) *For purposes of this section, the term ‘housing*  
 20           *loan’ shall not include a loan made pursuant to subchapter*  
 21           *V of this chapter.’.*

22           (b) *TRANSFERS OF AMOUNTS INTO VETERANS HOUS-*  
 23           *ING BENEFIT PROGRAM FUND.—All amounts in the follow-*  
 24           *ing funds are hereby transferred to the Veterans Housing*  
 25           *Benefit Program Fund:*

1           (1) *The Direct Loan Revolving Fund, as such*  
 2           *fund was continued under section 3723 of title 38,*  
 3           *United States Code (as such section was in effect on*  
 4           *the day before the effective date of this title).*

5           (2) *The Department of Veterans Affairs Loan*  
 6           *Guaranty Revolving Fund, as established by section*  
 7           *3724 of such title (as such section was in effect on the*  
 8           *day before the effective date of this title).*

9           (3) *The Guaranty and Indemnity Fund, as es-*  
 10          *tablished by section 3725 of such title (as such section*  
 11          *was in effect on the day before the effective date of*  
 12          *this title).*

13          (c) *REPEAL OF AUTHORITY TO SELL PARTICIPATION*  
 14          *CERTIFICATES AND OF OBSOLETE REQUIREMENT TO CRED-*  
 15          *IT PROCEEDS.—*

16               (1) *REPEAL OF AUTHORITY TO SELL PARTICIPA-*  
 17          *TION CERTIFICATES.—Section 3720 is amended by*  
 18          *striking out subsection (e).*

19               (2) *REPEAL OF OBSOLETE REQUIREMENT TO*  
 20          *CREDIT PROCEEDS.—Section 3733 is amended by*  
 21          *striking out subsection (e).*

22          (d) *SUBMISSION OF SUMMARY FINANCIAL STATEMENT*  
 23          *ON HOUSING PROGRAMS.—Section 3734 is amended by*  
 24          *adding at the end the following new subsection:*

1       “(c) *The information submitted under subsection (a)*  
 2 *shall include a statement that summarizes the financial ac-*  
 3 *tivity of each of the housing programs operated under this*  
 4 *chapter. The statement shall be presented in a form that*  
 5 *is simple, concise, and readily understandable, and shall*  
 6 *not include references to financing accounts, liquidating ac-*  
 7 *counts, or program accounts.”.*

8       (e) *CONFORMING AND CLERICAL AMENDMENTS.—*

9           (1) *CONFORMING AMENDMENTS TO CHAPTER*  
 10 *37.—Chapter 37 is amended as follows:*

11           (A) *Section 3703(e)(1) is amended by strik-*  
 12 *ing out “3729(c)(1)” and inserting in lieu there-*  
 13 *of “3729(c)”.*

14           (B) *Section 3711(k) is amended by striking*  
 15 *out “and section 3723 of this title” both places*  
 16 *it appears.*

17           (C) *Section 3727(c) is amended by striking*  
 18 *out “funds established pursuant to sections 3723*  
 19 *and 3724 of this title, as applicable” and insert-*  
 20 *ing in lieu thereof “fund established pursuant to*  
 21 *section 3722 of this title”.*

22           (D) *Section 3729 is amended—*

23           (i) *in subsection (c)—*

24           (I) *by striking out “(c)(1)” and*  
 25 *inserting in lieu thereof “(c)”;* and

1                   (II) by striking out paragraphs  
2                   (2) and (3); and  
3                   (ii) in subsection (a)(1), by striking  
4                   out “(c)(1)” and inserting in lieu thereof  
5                   “(c)”.

6                   (E) Section 3733(a)(6) is amended by strik-  
7                   ing out “Department of Veterans Affairs Loan  
8                   Guaranty Revolving Fund established by section  
9                   3724(a)” and inserting in lieu thereof “Veterans  
10                  Housing Benefit Program Fund established by  
11                  section 3722(a)”.

12                  (F) Section 3734, as amended by subsection  
13                  (d), is further amended—

14                         (i) in subsection (a)—

15                                 (I) by striking out “Loan Guar-  
16                                 anty Revolving Fund and the Guar-  
17                                 anty and Indemnity Fund” in para-  
18                                 graph (1) and inserting in lieu thereof  
19                                 “Veterans Housing Benefit Program  
20                                 Fund”; and

21                                 (II) by striking out “funds,” in  
22                                 paragraph (2) and inserting in lieu  
23                                 thereof “fund,”;

24                                 (ii) in subsection (b), by striking out  
25                                 “each fund” in the matter preceding para-

1                   graph (1) and inserting in lieu thereof “the  
2                   fund”; and

3                   (iii) in subsection (b)(2)—

4                   (I) by striking out subparagraph  
5                   (B);

6                   (II) by redesignating subpara-  
7                   graphs (C), (D), (E), (F), and (G) as  
8                   subparagraphs (B), (C), (D), (E), and  
9                   (F), respectively; and

10                  (III) in subparagraph (B), as so  
11                  redesignated, by striking out “sub-  
12                  sections (a)(3) and (c)(2) of section  
13                  3729” and inserting in lieu thereof  
14                  “section 3729(a)(3)”.

15                  (G) Section 3735(a)(3)(A)(i) is amended by  
16                  striking out “Loan Guaranty Revolving Fund  
17                  and the Guaranty and Indemnity Fund” and  
18                  inserting in lieu thereof “Veterans Housing Ben-  
19                  efit Program Fund”.

20                  (2) *OTHER CONFORMING AMENDMENT.*—Section  
21                  2106(e) is amended by striking out “, as appropriate,  
22                  deposited in either the direct loan or loan guaranty  
23                  revolving fund established by section 3723 or 3724 of  
24                  this title, respectively” and inserting in lieu thereof

1       *“deposited in the Veterans Housing Benefit Program*  
 2       *Fund established by section 3722 of this title”.*

3               (3) *TECHNICAL AND CLERICAL AMENDMENTS.—*

4       (A) *The heading for section 3734 is amended to read*  
 5       *as follows:*

6       ***“§3734. Annual submission of information on the Vet-***  
 7               ***erans Housing Benefit Program Fund and***  
 8               ***housing programs”.***

9       (B) *The heading for section 3763 is amended to*  
 10       *read as follows:*

11       ***“§3763. Native American Veteran Housing Loan Pro-***  
 12               ***gram Account”.***

13       (C) *The table of sections at the beginning of*  
 14       *chapter 37 is amended—*

15               (i) *by inserting after the item relating to*  
 16       *section 3721 the following new item:*

*“3722. Veterans Housing Benefit Program Fund.”;*

17               (ii) *by striking out the items relating to sec-*  
 18       *tions 3723, 3724, and 3725;*

19               (iii) *by striking out the item relating to sec-*  
 20       *tion 3734 and inserting in lieu thereof the fol-*  
 21       *lowing:*

*“3734. Annual submission of information on the Veterans Housing Benefit Pro-*  
*gram Fund and housing programs.”;*

22       *and*



1                   (iv) by striking out the item relating to sec-  
 2                   tion 3763 and inserting in lieu thereof the fol-  
 3                   lowing:

“3763. Native American Veteran Housing Loan Program Account.”.

4           (f) *EFFECTIVE DATE.*—This title and the amendments  
 5 made by this title shall take effect on October 1, 1998.

6 **SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SE-**  
 7 **LECTED RESERVE FOR VETERANS HOUSING**  
 8 **LOANS.**

9           (a) *EXTENSION.*—Section 3702(a)(2)(E) is amended  
 10 by striking out “October 27, 1999,” and inserting in lieu  
 11 thereof “September 30, 2003.”.

12           (b) *ONE-YEAR EXTENSION OF FEE PROVISION.*—Sec-  
 13 tion 3729(a)(4) is amended—

14                   (1) by striking out “With respect to a loan closed  
 15 after September 30, 1993, and before October 1,  
 16 2002,” and inserting in lieu thereof “(A) With respect  
 17 to a loan closed during the period specified in sub-  
 18 paragraph (B)”; and

19                   (2) by adding at the end the following:

20           “(B) The specified period for purposes of subparagraph  
 21 (A) is the period beginning on October 1, 1993, and ending  
 22 on September 30, 2002, except that in the case of a loan  
 23 described in subparagraph (D) of paragraph (2), such pe-  
 24 riod ends on September 30, 2003.”.

1 **SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CER-**  
 2 **TAIN CONTRACTS OF DEPARTMENT OF VET-**  
 3 **ERANS AFFAIRS.**

4 (a) *IN GENERAL.*—Section 3720(b) is amended by  
 5 striking “; however” and all that follows and inserting the  
 6 following: “, except that title III of the Federal Property  
 7 and Administrative Services Act of 1949 (41 U.S.C. 251  
 8 et seq.) shall apply to any contract for services or supplies  
 9 on account of any property acquired pursuant to this sec-  
 10 tion.”.

11 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 12 section (a) shall apply with respect to contracts entered into  
 13 under section 3720 of title 38, United States Code, after  
 14 the end of the 60-day period beginning on the date of the  
 15 enactment of this Act.

16 **TITLE VII—CONSTRUCTION AND**  
 17 **FACILITIES MATTERS**

18 **SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
 19 **PROJECTS.**

20 (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
 21 may carry out the following major medical facility projects,  
 22 with each project to be carried out in the amount specified  
 23 for that project:

24 (1) *Alterations and demolition at the Depart-*  
 25 *ment of Veterans Affairs Medical Center, Long Beach,*  
 26 *California, in an amount not to exceed \$23,200,000.*

1           (2) *Construction and seismic work at the De-*  
2           *partment of Veterans Affairs Medical Center, San*  
3           *Juan, Puerto Rico, in an amount not to exceed*  
4           *\$50,000,000.*

5           (3) *Outpatient clinic expansion at the Depart-*  
6           *ment of Veterans Affairs Medical Center, Washington,*  
7           *D.C., in an amount not to exceed \$29,700,000.*

8           (4) *Construction of a psychogeriatric care build-*  
9           *ing and demolition of a seismically unsafe building*  
10          *at the Department of Veterans Affairs Medical Center,*  
11          *Palo Alto, California, in an amount not to exceed*  
12          *\$22,400,000.*

13          (5) *Construction of an ambulatory care addition*  
14          *and renovations for ambulatory care at the Depart-*  
15          *ment of Veterans Affairs Medical Center, Cleveland*  
16          *(Wade Park), Ohio, in an amount not to exceed*  
17          *\$28,300,000, of which \$7,500,000 shall be derived*  
18          *from funds appropriated for a fiscal year before fiscal*  
19          *year 1999 that remain available for obligation.*

20          (6) *Construction of an ambulatory care addition*  
21          *at the Department of Veterans Affairs Medical Center,*  
22          *Tucson, Arizona, in an amount not to exceed*  
23          *\$35,000,000.*

24          (7) *Construction of an addition for psychiatric*  
25          *care at the Department of Veterans Affairs Medical*

1       *Center, Dallas, Texas, in an amount not to exceed*  
2       *\$24,200,000.*

3           *(8) Outpatient clinic projects at Auburn and*  
4       *Merced, California, as part of the Northern California*  
5       *Healthcare Systems Project, in an amount not to ex-*  
6       *ceed \$3,000,000, to be derived only from funds appro-*  
7       *priated for Construction, Major Projects, for a fiscal*  
8       *year before fiscal year 1999 that remain available for*  
9       *obligation.*

10          *(9) Renovations to a nursing home care unit at*  
11       *the Department of Veterans Affairs Medical Center,*  
12       *Lebanon, Pennsylvania, in an amount not to exceed*  
13       *\$9,500,000.*

14          *(10) Construction of a spinal cord injury center*  
15       *at the Department of Veterans Affairs Medical Center,*  
16       *Tampa, Florida, in an amount not to exceed*  
17       *\$46,300,000, of which \$20,000,000 shall be derived*  
18       *from funds appropriated for a fiscal year before fiscal*  
19       *year 1999 that remain available for obligation.*

20        **(b) CONSTRUCTION OF PARKING FACILITY.**—*The Sec-*  
21       *retary may construct a parking structure at the Depart-*  
22       *ment of Veterans Affairs Medical Center, Denver, Colorado,*  
23       *in an amount not to exceed \$13,000,000, of which*  
24       *\$11,900,000 shall be derived from funds in the Parking Re-*  
25       *volving Fund.*

1 **SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
2 **LEASES.**

3 *The Secretary of Veterans Affairs may enter into leases*  
4 *for satellite outpatient clinics as follows:*

5 *(1) Baton Rouge, Louisiana, in an amount not*  
6 *to exceed \$1,800,000.*

7 *(2) Daytona Beach, Florida, in an amount not*  
8 *to exceed \$2,600,000.*

9 *(3) Oakland Park, Florida, in an amount not to*  
10 *exceed \$4,100,000.*

11 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

12 *(a) IN GENERAL.—There are authorized to be appro-*  
13 *priated to the Secretary of Veterans Affairs for fiscal year*  
14 *1999 and for fiscal year 2000—*

15 *(1) for the Construction, Major Projects, account*  
16 *\$241,100,000 for the projects authorized in section*  
17 *701(a); and*

18 *(2) for the Medical Care account, \$8,500,000 for*  
19 *the leases authorized in section 702.*

20 *(b) LIMITATION.—(1) The projects authorized in sec-*  
21 *tion 701(a) may only be carried out using—*

22 *(A) funds appropriated for fiscal year 1999 or*  
23 *fiscal year 2000 pursuant to the authorization of ap-*  
24 *propriations in subsection (a);*

1           (B) funds appropriated for Construction, Major  
 2       Projects, for a fiscal year before fiscal year 1999 that  
 3       remain available for obligation; and

4           (C) funds appropriated for Construction, Major  
 5       Projects, for fiscal year 1999 for a category of activity  
 6       not specific to a project.

7       (2) The project authorized in section 701(b) may only  
 8       be carried out using funds appropriated for a fiscal year  
 9       before fiscal year 1999—

10           (A) for the Parking Revolving Fund; or

11           (B) for Construction, Major Projects, for a cat-  
 12       egory of activity not specific to a project.

13       **SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**  
 14                               **FACILITY LEASES FOR PURPOSES OF CON-**  
 15                               **GRESSIONAL AUTHORIZATION.**

16       Section 8104(a)(3)(B) is amended by striking out  
 17       “\$300,000” and inserting in lieu thereof “\$600,000”.

18       **SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FACIL-**  
 19                               **ITY PROJECT AS A MAJOR MEDICAL FACILITY**  
 20                               **PROJECT.**

21       Section 8109(i)(2) is amended by striking out  
 22       “\$3,000,000” and inserting in lieu thereof “\$4,000,000”.

23       **SEC. 706. PARKING FEES.**

24       (a) *LIMITATION.*—The Secretary of Veterans Affairs  
 25       may not establish or collect any parking fee at any parking

1 *facility associated with the Spark M. Matsunaga Depart-*  
2 *ment of Veterans Affairs Medical and Regional Office Cen-*  
3 *ter in Honolulu, Hawaii.*

4       **(b) REPORT.**—*Not later than September 15, 1999, the*  
5 *Secretary shall submit to the Committees on Veterans' Af-*  
6 *fairs of the Senate and House of Representatives a report*  
7 *regarding the Department's experience in exercising and*  
8 *administering the authority of the Secretary to charge park-*  
9 *ing fees under subsections (d) and (e) of section 8109 of*  
10 *title 38, United States Code. The report shall include—*

11               **(1)** *the results of a survey which shall describe*  
12 *the parking facilities and number of parking spaces*  
13 *available to employees of the Department at each*  
14 *medical facility of the Department with more than 50*  
15 *employees;*

16               **(2)** *an analysis of the means by which the Sec-*  
17 *retary could implement in a cost-effective manner the*  
18 *authority of the Secretary under subsection (e) of sec-*  
19 *tion 8109 of title 38, United States Code; and*

20               **(3)** *recommendations for amending section 8109*  
21 *of such title—*

22                       **(A)** *to address the applicability of parking*  
23 *fees to employees of the Secretary who are em-*  
24 *ployed at a regional office which is co-located*  
25 *with a medical facility;*

1           (B) to address the applicability of parking  
 2           fees to persons using parking facilities at De-  
 3           partment of Veterans Affairs medical centers co-  
 4           located with facilities of the Department of De-  
 5           fense;

6           (C) to link any schedule of applicable fees  
 7           to applicable commercial rates; and

8           (D) to achieve any other purpose.

9   **SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT**  
 10                   **OF VETERANS AFFAIRS LANDS AT WEST LOS**  
 11                   **ANGELES MEDICAL CENTER, CALIFORNIA.**

12       (a) *REPORT.*—The Secretary of Veterans Affairs shall  
 13       submit to Congress a report on the master plan of the De-  
 14       partment of Veterans Affairs relating to the use of Depart-  
 15       ment lands at the West Los Angeles Department of Veterans  
 16       Affairs Medical Center, California.

17       (b) *REPORT ELEMENTS.*—The report under subsection  
 18       (a) shall set forth the following:

19           (1) The master plan referred to in that sub-  
 20           section, if such a plan currently exists.

21           (2) A current assessment of the master plan.

22           (3) Any proposal of the Department for a veter-  
 23           ans park on the lands referred to in subsection (a),  
 24           and an assessment of such proposals.



1           (4) *Any proposal to use a portion of those lands*  
 2           *as dedicated green space, and an assessment of such*  
 3           *proposals.*

4           (c) *ALTERNATIVE REPORT ELEMENT.—If a master*  
 5           *plan referred to in subsection (a) does not exist as of the*  
 6           *date of the enactment of this Act, the Secretary shall set*  
 7           *forth in the report under that subsection, in lieu of the mat-*  
 8           *ters specified in paragraphs (1) and (2) of subsection (b),*  
 9           *a plan for the development of a master plan for the use*  
 10           *of the lands referred to in subsection (a) over the next 25*  
 11           *years and over the next 50 years.*

12   **SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS AF-**  
 13                   **FAIRS MEDICAL CENTER, ASPINWALL, PENN-**  
 14                   **SYLVANIA.**

15           *The Department of Veterans Affairs medical center in*  
 16           *Aspinwall, Pennsylvania, is hereby designated as the “H.*  
 17           *John Heinz III Department of Veterans Affairs Medical*  
 18           *Center”.* *Any reference to that medical center in any law,*  
 19           *regulation, map, document, record, or other paper of the*  
 20           *United States shall be considered to be a reference to the*  
 21           *H. John Heinz III Department of Veterans Affairs Medical*  
 22           *Center.*

1 **SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS AF-**  
2 **FAIRS MEDICAL CENTER, GAINESVILLE,**  
3 **FLORIDA.**

4 *The Department of Veterans Affairs medical center in*  
5 *Gainesville, Florida, is hereby designated as the “Malcom*  
6 *Randall Department of Veterans Affairs Medical Center”.*  
7 *Any reference to that medical center in any law, regulation,*  
8 *map, document, record, or other paper of the United States*  
9 *shall be considered to be a reference to the Malcom Randall*  
10 *Department of Veterans Affairs Medical Center.*

11 **SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS AF-**  
12 **FAIRS OUTPATIENT CLINIC, COLUMBUS,**  
13 **OHIO.**

14 *The Department of Veterans Affairs outpatient clinic*  
15 *in Columbus, Ohio, shall after the date of the enactment*  
16 *of this Act be known and designated as the “Chalmers P.*  
17 *Wylie Veterans Outpatient Clinic”.* *Any reference to that*  
18 *outpatient clinic in any law, regulation, map, document,*  
19 *record, or other paper of the United States shall be consid-*  
20 *ered to be a reference to the Chalmers P. Wylie Veterans*  
21 *Outpatient Clinic.*

1 **TITLE VIII—HEALTH PROFES-**  
 2 **SIONALS EDUCATIONAL AS-**  
 3 **SISTANCE**

4 **SEC. 801. SHORT TITLE.**

5 *This title may be cited as the “Department of Veterans*  
 6 *Affairs Health Care Personnel Incentive Act of 1998”.*

7 **SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF**  
 8 **VETERANS AFFAIRS EMPLOYEES RECEIVING**  
 9 **EDUCATION OR TRAINING IN THE HEALTH**  
 10 **PROFESSIONS.**

11 *(a) PROGRAM AUTHORITY.—Chapter 76 is amended by*  
 12 *adding at the end the following new subchapter:*

13 **“SUBCHAPTER VI—EMPLOYEE INCENTIVE**  
 14 **SCHOLARSHIP PROGRAM**

15 **“§ 7671. Authority for program**

16 *“As part of the Educational Assistance Program, the*  
 17 *Secretary may carry out a scholarship program under this*  
 18 *subchapter. The program shall be known as the Department*  
 19 *of Veterans Affairs Employee Incentive Scholarship Pro-*  
 20 *gram (hereinafter in this subchapter referred to as the ‘Pro-*  
 21 *gram’). The purpose of the Program is to assist, through*  
 22 *the establishment of an incentive program for individuals*  
 23 *employed in the Veterans Health Administration, in meet-*  
 24 *ing the staffing needs of the Veterans Health Administra-*

1 *tion for health professional occupations for which recruit-*  
 2 *ment or retention of qualified personnel is difficult.*

3 **“§ 7672. *Eligibility; agreement***

4       “(a) *ELIGIBILITY.*—To be eligible to participate in the  
 5 *Program, an individual must be an eligible Department*  
 6 *employee who is accepted for enrollment or enrolled (as de-*  
 7 *scribed in section 7602 of this title) as a full-time or part-*  
 8 *time student in a field of education or training described*  
 9 *in subsection (c).*

10       “(b) *ELIGIBLE DEPARTMENT EMPLOYEES.*—For pur-  
 11 *poses of subsection (a), an eligible Department employee is*  
 12 *any employee of the Department who, as of the date on*  
 13 *which the employee submits an application for participa-*  
 14 *tion in the Program, has been continuously employed by*  
 15 *the Department for not less than two years.*

16       “(c) *QUALIFYING FIELDS OF EDUCATION OR TRAIN-*  
 17 *ING.*—A scholarship may be awarded under the Program  
 18 *only for education and training in a field leading to ap-*  
 19 *pointment or retention in a position under section 7401*  
 20 *of this title.*

21       “(d) *AWARD OF SCHOLARSHIPS.*—Notwithstanding  
 22 *section 7603(d) of this title, the Secretary, in selecting par-*  
 23 *ticipants in the Program, may award a scholarship only*  
 24 *to applicants who have a record of employment with the*  
 25 *Veterans Health Administration which, in the judgment of*

1 *the Secretary, demonstrates a high likelihood that the appli-*  
2 *cant will be successful in completing such education or*  
3 *training and in employment in such field.*

4 “(e) *AGREEMENT.—(1) An agreement between the Sec-*  
5 *retary and a participant in the Program shall (in addition*  
6 *to the requirements set forth in section 7604 of this title)*  
7 *include the following:*

8 “(A) *The Secretary’s agreement to provide the*  
9 *participant with a scholarship under the Program for*  
10 *a specified number (from one to three) of school years*  
11 *during which the participant pursues a course of edu-*  
12 *cation or training described in subsection (c) that*  
13 *meets the requirements set forth in section 7602(a) of*  
14 *this title.*

15 “(B) *The participant’s agreement to serve as a*  
16 *full-time employee in the Veterans Health Adminis-*  
17 *tration for a period of time (hereinafter in this sub-*  
18 *chapter referred to as the ‘period of obligated service’)*  
19 *determined in accordance with regulations prescribed*  
20 *by the Secretary of up to three calendar years for*  
21 *each school year or part thereof for which the partici-*  
22 *pant was provided a scholarship under the Program,*  
23 *but for not less than three years.*

1           “(C) *The participant’s agreement to serve under*  
 2           *subparagraph (B) in a Department facility selected*  
 3           *by the Secretary.*

4           “(2) *In a case in which an extension is granted under*  
 5           *section 7673(c)(2) of this title, the number of years for*  
 6           *which a scholarship may be provided under the Program*  
 7           *shall be the number of school years provided for as a result*  
 8           *of the extension.*

9           “(3) *In the case of a participant who is a part-time*  
 10          *student, the period of obligated service shall be reduced in*  
 11          *accordance with the proportion that the number of credit*  
 12          *hours carried by such participant in any such school year*  
 13          *bears to the number of credit hours required to be carried*  
 14          *by a full-time student in the course of training being pur-*  
 15          *sued by the participant, but in no event to less than one*  
 16          *year.*

17       **“§ 7673. Scholarship**

18          “(a) *SCHOLARSHIP.—A scholarship provided to a par-*  
 19          *ticipant in the Program for a school year shall consist of*  
 20          *payment of the tuition (or such portion of the tuition as*  
 21          *may be provided under subsection (b)) of the participant*  
 22          *for that school year and payment of other reasonable edu-*  
 23          *cational expenses (including fees, books, and laboratory ex-*  
 24          *penses) for that school year.*

1       “(b) *AMOUNTS.*—*The total amount of the scholarship*  
 2     *payable under subsection (a)—*

3               “(1) *in the case of a participant in the Program*  
 4     *who is a full-time student, may not exceed \$10,000 for*  
 5     *any one year; and*

6               “(2) *in the case of a participant in the Program*  
 7     *who is a part-time student, shall be the amount speci-*  
 8     *fied in paragraph (1) reduced in accordance with the*  
 9     *proportion that the number of credit hours carried by*  
 10    *the participant in that school year bears to the num-*  
 11    *ber of credit hours required to be carried by a full-*  
 12    *time student in the course of education or training*  
 13    *being pursued by the participant.*

14       “(c) *LIMITATION ON YEARS OF PAYMENT.*—(1) *Subject*  
 15    *to paragraph (2), a participant in the Program may not*  
 16    *receive a scholarship under subsection (a) for more than*  
 17    *three school years.*

18       “(2) *The Secretary may extend the number of school*  
 19    *years for which a scholarship may be awarded to a partici-*  
 20    *pant in the Program who is a part-time student to a maxi-*  
 21    *mum of six school years if the Secretary determines that*  
 22    *the extension would be in the best interest of the United*  
 23    *States.*

24       “(d) *PAYMENT OF EDUCATIONAL EXPENSES BY EDU-*  
 25    *CATIONAL INSTITUTIONS.*—*The Secretary may arrange*

1 *with an educational institution in which a participant in*  
 2 *the Program is enrolled for the payment of the educational*  
 3 *expenses described in subsection (a). Such payments may*  
 4 *be made without regard to subsections (a) and (b) of section*  
 5 *3324 of title 31.*

6 **“§ 7674. Obligated service**

7       “(a) *IN GENERAL.*—*Each participant in the Program*  
 8 *shall provide service as a full-time employee of the Depart-*  
 9 *ment for the period of obligated service provided in the*  
 10 *agreement of the participant entered into under section*  
 11 *7603 of this title. Such service shall be provided in the full-*  
 12 *time clinical practice of such participant’s profession or in*  
 13 *another health-care position in an assignment or location*  
 14 *determined by the Secretary.*

15       “(b) *DETERMINATION OF SERVICE COMMENCEMENT*  
 16 *DATE.*—(1) *Not later than 60 days before a participant’s*  
 17 *service commencement date, the Secretary shall notify the*  
 18 *participant of that service commencement date. That date*  
 19 *is the date for the beginning of the participant’s period of*  
 20 *obligated service.*

21       “(2) *As soon as possible after a participant’s service*  
 22 *commencement date, the Secretary shall—*

23               “(A) *in the case of a participant who is not a*  
 24 *full-time employee in the Veterans Health Adminis-*



1        *tration, appoint the participant as such an employee;*  
 2        *and*

3                *“(B) in the case of a participant who is an em-*  
 4        *ployee in the Veterans Health Administration but is*  
 5        *not serving in a position for which the participant’s*  
 6        *course of education or training prepared the partici-*  
 7        *part, assign the participant to such a position.*

8                *“(3)(A) In the case of a participant receiving a degree*  
 9        *from a school of medicine, osteopathy, dentistry, optometry,*  
 10        *or podiatry, the participant’s service commencement date*  
 11        *is the date upon which the participant becomes licensed to*  
 12        *practice medicine, osteopathy, dentistry, optometry, or po-*  
 13        *diatry, as the case may be, in a State.*

14                *“(B) In the case of a participant receiving a degree*  
 15        *from a school of nursing, the participant’s service com-*  
 16        *mencement date is the later of—*

17                *“(i) the participant’s course completion date; or*

18                *“(ii) the date upon which the participant be-*  
 19        *comes licensed as a registered nurse in a State.*

20                *“(C) In the case of a participant not covered by sub-*  
 21        *paragraph (A) or (B), the participant’s service commence-*  
 22        *ment date is the later of—*

23                *“(i) the participant’s course completion date; or*

24                *“(ii) the date the participant meets any applica-*  
 25        *ble licensure or certification requirements.*

1       “(4) *The Secretary shall by regulation prescribe the*  
 2 *service commencement date for participants who were part-*  
 3 *time students. Such regulations shall prescribe terms as*  
 4 *similar as practicable to the terms set forth in paragraph*  
 5 *(3).*

6       “(c) *COMMENCEMENT OF OBLIGATED SERVICE.—(1)*  
 7 *Except as provided in paragraph (2), a participant in the*  
 8 *Program shall be considered to have begun serving the par-*  
 9 *ticipant’s period of obligated service—*

10           “(A) *on the date, after the participant’s course*  
 11 *completion date, on which the participant (in accord-*  
 12 *ance with subsection (b)) is appointed as a full-time*  
 13 *employee in the Veterans Health Administration; or*

14           “(B) *if the participant is a full-time employee in*  
 15 *the Veterans Health Administration on such course*  
 16 *completion date, on the date thereafter on which the*  
 17 *participant is assigned to a position for which the*  
 18 *participant’s course of training prepared the partici-*  
 19 *pant.*

20       “(2) *A participant in the Program who on the partici-*  
 21 *pant’s course completion date is a full-time employee in the*  
 22 *Veterans Health Administration serving in a capacity for*  
 23 *which the participant’s course of training prepared the par-*  
 24 *ticipant shall be considered to have begun serving the par-*

1 participant's period of obligated service on such course comple-  
 2 tion date.

3 “(d) *COURSE COMPLETION DATE DEFINED.*—In this  
 4 section, the term ‘course completion date’ means the date  
 5 on which a participant in the Program completes the par-  
 6 ticipant’s course of education or training under the Pro-  
 7 gram.

8 **“§ 7675. Breach of agreement: liability**

9 “(a) *LIQUIDATED DAMAGES.*—A participant in the  
 10 Program (other than a participant described in subsection  
 11 (b)) who fails to accept payment, or instructs the edu-  
 12 cational institution in which the participant is enrolled not  
 13 to accept payment, in whole or in part, of a scholarship  
 14 under the agreement entered into under section 7603 of this  
 15 title shall be liable to the United States for liquidated dam-  
 16 ages in the amount of \$1,500. Such liability is in addition  
 17 to any period of obligated service or other obligation or li-  
 18 ability under the agreement.

19 “(b) *LIABILITY DURING COURSE OF EDUCATION OR*  
 20 *TRAINING.*—(1) Except as provided in subsection (d), a  
 21 participant in the Program shall be liable to the United  
 22 States for the amount which has been paid to or on behalf  
 23 of the participant under the agreement if any of the follow-  
 24 ing occurs:

1           “(A) *The participant fails to maintain an ac-*  
2           *ceptable level of academic standing in the educational*  
3           *institution in which the participant is enrolled (as*  
4           *determined by the educational institution under regu-*  
5           *lations prescribed by the Secretary).*

6           “(B) *The participant is dismissed from such*  
7           *educational institution for disciplinary reasons.*

8           “(C) *The participant voluntarily terminates the*  
9           *course of education or training in such educational*  
10          *institution before the completion of such course of*  
11          *education or training.*

12          “(D) *The participant fails to become licensed to*  
13          *practice medicine, osteopathy, dentistry, podiatry, or*  
14          *optometry in a State, fails to become licensed as a*  
15          *registered nurse in a State, or fails to meet any ap-*  
16          *plicable licensure requirement in the case of any other*  
17          *health-care personnel who provide either direct pa-*  
18          *tient-care services or services incident to direct pa-*  
19          *tient-care services, during a period of time deter-*  
20          *mined under regulations prescribed by the Secretary.*

21          “(E) *In the case of a participant who is a part-*  
22          *time student, the participant fails to maintain em-*  
23          *ployment, while enrolled in the course of training*  
24          *being pursued by the participant, as a Department*  
25          *employee.*

1       “(2) *Liability under this subsection is in lieu of any*  
 2       *service obligation arising under a participant’s agreement.*

3       “(c) *LIABILITY DURING PERIOD OF OBLIGATED SERV-*  
 4       *ICE.—(1) Except as provided in subsection (d), if a partici-*  
 5       *pant in the Program breaches the agreement by failing for*  
 6       *any reason to complete such participant’s period of obli-*  
 7       *gated service, the United States shall be entitled to recover*  
 8       *from the participant an amount determined in accordance*  
 9       *with the following formula:*

$$A=3\Phi \left( \frac{t-s}{t} \right)$$

10       “(2) *In such formula:*

11               “(A) ‘A’ *is the amount the United States is enti-*  
 12       *tled to recover.*

13               “(B) ‘Φ’ *is the sum of—*

14                       “(i) *the amounts paid under this subchapter*  
 15       *to or on behalf of the participant; and*

16                       “(ii) *the interest on such amounts which*  
 17       *would be payable if at the time the amounts were*  
 18       *paid they were loans bearing interest at the*  
 19       *maximum legal prevailing rate, as determined*  
 20       *by the Treasurer of the United States.*

21               “(C) ‘t’ *is the total number of months in the par-*  
 22       *ticipant’s period of obligated service, including any*

1       *additional period of obligated service in accordance*  
 2       *with section 7673(c)(2) of this title.*

3               “(D) ‘s’ is the number of months of such period  
 4       *served by the participant in accordance with section*  
 5       *7673 of this title.*

6       “(d) *LIMITATION ON LIABILITY FOR REDUCTIONS-IN-*  
 7       *FORCE.—Liability shall not arise under subsection*  
 8       *(b)(1)(E) or (c) in the case of a participant otherwise cov-*  
 9       *ered by the subsection concerned if the participant fails to*  
 10       *maintain employment as a Department employee due to a*  
 11       *staffing adjustment.*

12       “(e) *PERIOD FOR PAYMENT OF DAMAGES.—Any*  
 13       *amount of damages which the United States is entitled to*  
 14       *recover under this section shall be paid to the United States*  
 15       *within the one-year period beginning on the date of the*  
 16       *breach of the agreement.*

17       **“§ 7676. Expiration of program**

18       *“The Secretary may not furnish scholarships to indi-*  
 19       *viduals who have not commenced participation in the Pro-*  
 20       *gram before December 31, 2001.”.*

21       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 22       *the beginning of such chapter is amended by adding at the*  
 23       *end the following new items:*

      “SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

      “7671. *Authority for program.*

      “7672. *Eligibility; agreement.*

      “7673. *Scholarship.*

“7674. Obligated service.

“7675. Breach of agreement: liability.

“7676. Expiration of program.”.

1 **SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR**  
 2 **VETERANS HEALTH ADMINISTRATION**  
 3 **HEALTH PROFESSIONALS.**

4 (a) *PROGRAM AUTHORITY.*—Chapter 76 (as amended  
 5 by section 802(a)), is further amended by adding after sub-  
 6 chapter VI the following new subchapter:

7 “SUBCHAPTER VII—EDUCATION DEBT  
 8 REDUCTION PROGRAM

9 “§ 7681. *Authority for program*

10 “(a) *IN GENERAL.*—(1) *As part of the Educational As-*  
 11 *sistance Program, the Secretary may carry out an edu-*  
 12 *cation debt reduction program under this subchapter. The*  
 13 *program shall be known as the Department of Veterans Af-*  
 14 *fairs Education Debt Reduction Program (hereinafter in*  
 15 *this subchapter referred to as the ‘Education Debt Reduc-*  
 16 *tion Program’).*

17 “(2) *The purpose of the Education Debt Reduction*  
 18 *Program is to assist in the recruitment of qualified health*  
 19 *care professionals for positions in the Veterans Health Ad-*  
 20 *ministration for which recruitment or retention of an ade-*  
 21 *quate supply of qualified personnel is difficult.*

22 “(b) *RELATIONSHIP TO EDUCATIONAL ASSISTANCE*  
 23 *PROGRAM.*—*Education debt reduction payments under the*  
 24 *Education Debt Reduction Program may be in addition to*

1 *other assistance available to individuals under the Edu-*  
 2 *cational Assistance Program.*

3 **“§ 7682. Eligibility**

4 “(a) *ELIGIBILITY.*—*An individual is eligible to par-*  
 5 *ticipate in the Education Debt Reduction Program if the*  
 6 *individual—*

7 “(1) *is a recently appointed employee in the Vet-*  
 8 *erans Health Administration serving under an ap-*  
 9 *pointment under section 7402(b) of this title in a po-*  
 10 *sition for which recruitment or retention of a quali-*  
 11 *fied health-care personnel (as determined by the Sec-*  
 12 *retary) is difficult; and*

13 “(2) *owes any amount of principal or interest*  
 14 *under a loan, the proceeds of which were used by or*  
 15 *on behalf of that individual to pay costs relating to*  
 16 *a course of education or training which led to a de-*  
 17 *gree that qualified the individual for the position re-*  
 18 *ferred to in paragraph (1).*

19 “(b) *COVERED COSTS.*—*For purposes of subsection*  
 20 *(a)(2), costs relating to a course of education or training*  
 21 *include—*

22 “(1) *tuition expenses;*

23 “(2) *all other reasonable educational expenses,*  
 24 *including expenses for fees, books, and laboratory ex-*  
 25 *penses; and*



1           “(3) *reasonable living expenses.*

2           “(c) *RECENTLY APPOINTED INDIVIDUALS.—For pur-*  
 3 *poses of subsection (a), an individual shall be considered*  
 4 *to be recently appointed to a position if the individual has*  
 5 *held that position for less than six months.*

6   **“§ 7683. *Education debt reduction***

7           “(a) *IN GENERAL.—Education debt reduction pay-*  
 8 *ments under the Education Debt Reduction Program shall*  
 9 *consist of payments to individuals selected to participate*  
 10 *in the program of amounts to reimburse such individuals*  
 11 *for payments by such individuals of principal and interest*  
 12 *on loans described in section 7682(a)(2) of this title.*

13          “(b) *FREQUENCY OF PAYMENT.—(1) The Secretary*  
 14 *may make education debt reduction payments to any given*  
 15 *participant in the Education Debt Reduction Program on*  
 16 *a monthly or annual basis, as determined by the Secretary.*

17          “(2) *The Secretary shall make such payments at the*  
 18 *end of the period determined by the Secretary under para-*  
 19 *graph (1).*

20          “(c) *PERFORMANCE REQUIREMENT.—The Secretary*  
 21 *may make education debt reduction payments to a partici-*  
 22 *pant in the Education Debt Reduction Program for a pe-*  
 23 *riod only if the Secretary determines that the individual*  
 24 *maintained an acceptable level of performance in the posi-*

1 *tion or positions served by the participant during the pe-*  
 2 *riod.*

3 “(d) *MAXIMUM ANNUAL AMOUNT.*—(1) *Subject to*  
 4 *paragraph (2), the amount of education debt reduction pay-*  
 5 *ments made to a participant for a year under the Edu-*  
 6 *cation Debt Reduction Program may not exceed—*

7 “(A) *\$6,000 for the first year of the participant’s*  
 8 *participation in the Program;*

9 “(B) *\$8,000 for the second year of the partici-*  
 10 *part’s participation in the Program; and*

11 “(C) *\$10,000 for the third year of the partici-*  
 12 *part’s participation in the Program.*

13 “(2) *The total amount payable to a participant in*  
 14 *such Program for any year may not exceed the amount of*  
 15 *the principal and interest on loans referred to in subsection*  
 16 *(a) that is paid by the individual during such year.*

17 **“§ 7684. *Expiration of program***

18 “*The Secretary may not make education debt reduc-*  
 19 *tion payments to individuals who have not commenced par-*  
 20 *ticipation in the Education Debt Reduction Program before*  
 21 *December 31, 2001.”.*

22 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 23 *the beginning of such chapter (as amended by section*  
 24 *802(b)) is further amended by adding at the end the follow-*  
 25 *ing new items:*

“SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

“7681. Authority for program.

“7682. Eligibility.

“7683. Education debt reduction.

“7684. Expiration of program.”.

1 **SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUI-**  
 2 **TION LOANS.**

3 *Section 523(b) of the Veterans Health Care Act of 1992*  
 4 *(Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note)*  
 5 *is repealed.*

6 **SEC. 805. CONFORMING AMENDMENTS.**

7 *Chapter 76 is amended as follows:*

8 *(1) Section 7601(a) is amended—*

9 *(A) by striking out “and” at the end of*  
 10 *paragraph (2);*

11 *(B) by striking out the period at the end of*  
 12 *paragraph (3) and inserting in lieu thereof a*  
 13 *semicolon; and*

14 *(C) by adding at the end the following new*  
 15 *paragraphs:*

16 *“(4) the employee incentive scholarship program*  
 17 *provided for in subchapter VI of this chapter; and”;*  
 18 *and*

19 *“(5) the education debt reduction program pro-*  
 20 *vided for in subchapter VII of this chapter.”.*

21 *(2) Section 7602 is amended—*

22 *(A) in subsection (a)(1)—*

1                   (i) by striking out “subchapter I or II”  
 2                   and inserting in lieu thereof “subchapter II,  
 3                   III, or VI”;

4                   (ii) by striking out “or for which” and  
 5                   inserting in lieu thereof “, for which”; and

6                   (iii) by inserting before the period at  
 7                   the end the following: “, or for which a  
 8                   scholarship may be awarded under sub-  
 9                   chapter VI of this chapter, as the case may  
 10                  be”; and

11                  (B) in subsection (b), by striking out “sub-  
 12                  chapter I or II” and inserting in lieu thereof  
 13                  “subchapter II, III, or VI”.

14                  (3) Section 7603 is amended—

15                  (A) in subsection (a)—

16                       (i) by striking out “To apply to par-  
 17                       ticipate in the Educational Assistance Pro-  
 18                       gram,” and inserting in lieu thereof “(1) To  
 19                       apply to participate in the Educational As-  
 20                       sistance Program under subsection II, III,  
 21                       V, or VI of this chapter,”; and

22                       (ii) by adding at the end the following:

23                       “(2) To apply to participate in the Educational As-  
 24                       sistance Program under subchapter VII of this chapter, an

1 *individual shall submit to the Secretary an application for*  
 2 *such participation.”; and*

3 *(B) in subsection (b)(1), by inserting “(if*  
 4 *required)” before the period at the end.*

5 *(4) Section 7604 is amended by striking out*  
 6 *“subchapter II, III, or V” in paragraphs (1)(A),*  
 7 *(2)(D), and (5) and inserting in lieu thereof “sub-*  
 8 *chapter II, III, V, or VI”.*

9 *(5) Section 7632 is amended—*

10 *(A) in paragraph (1)—*

11 *(i) by striking out “and the Tuition*  
 12 *Reimbursement Program” and inserting in*  
 13 *lieu thereof “, the Tuition Reimbursement*  
 14 *Program, the Employee Incentive Scholar-*  
 15 *ship Program, and the Education Debt Re-*  
 16 *duction Program”; and*

17 *(ii) by inserting “(if any)” after*  
 18 *“number of students”;*

19 *(B) in paragraph (2), by inserting “(if*  
 20 *any)” after “education institutions”; and*

21 *(C) in paragraph (4)—*

22 *(i) by striking “and per participant”*  
 23 *and inserting in lieu thereof “, per partici-*  
 24 *pant”; and*

1                   (ii) by inserting “, per participant in  
 2                   the Employee Incentive Scholarship Pro-  
 3                   gram, and per participant in the Education  
 4                   Debt Reduction Program” before the period  
 5                   at the end.

6                   (6) Section 7636 is amended by striking “or a  
 7                   stipend” and inserting “a stipend, or education debt  
 8                   reduction”.

9   **SEC. 806. COORDINATION WITH APPROPRIATIONS PROVI-**  
 10                   **SION.**

11           This title shall be considered to be the authorizing leg-  
 12   islation referred to in the third proviso under the heading  
 13   “VETERANS HEALTH ADMINISTRATION—MEDICAL CARE”  
 14   in title I of the Departments of Veterans Affairs and Hous-  
 15   ing and Urban Development, and Independent Agencies  
 16   Appropriations Act, 1999, and the reference in that proviso  
 17   to the “Primary Care Providers Incentive Act” shall be  
 18   treated as referring to this title.

1 **TITLE IX—MISCELLANEOUS**  
 2 **MEDICAL CARE AND MEDICAL**  
 3 **ADMINISTRATION PROVI-**  
 4 **SIONS**

5 **SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH**  
 6 **CERTAIN RADIATION TREATMENT.**

7 (a) *IN GENERAL.*—Chapter 17 is amended by insert-  
 8 ing after section 1720D the following new section:

9 **“§ 1720E. Nasopharyngeal radium irradiation**

10 “(a) *The Secretary may provide any veteran a medical*  
 11 *examination, and hospital care, medical services, and nurs-*  
 12 *ing home care, which the Secretary determines is needed*  
 13 *for the treatment of any cancer of the head or neck which*  
 14 *the Secretary finds may be associated with the veteran’s re-*  
 15 *ceipt of nasopharyngeal radium irradiation treatments in*  
 16 *active military, naval, or air service.*

17 “(b) *The Secretary shall provide care and services to*  
 18 *a veteran under subsection (a) only on the basis of evidence*  
 19 *in the service records of the veteran which document naso-*  
 20 *pharyngeal radium irradiation treatment in service, except*  
 21 *that, notwithstanding the absence of such documentation,*  
 22 *the Secretary may provide such care to a veteran who—*

23 “(1) *served as an aviator in the active military,*  
 24 *naval, or air service before the end of the Korean con-*  
 25 *flict; or*

1           “(2) underwent submarine training in active  
2       naval service before January 1, 1965.”.

3       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
4 *the beginning of such chapter is amended by inserting after*  
5 *the item relating to section 1720D the following new item:*  
   *“1720E. Nasopharyngeal radium irradiation.”.*

6   **SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND**  
7           **TREAT VETERANS FOR SEXUAL TRAUMA.**

8       Section 1720D(a) is amended by striking out “Decem-  
9   ber 31, 1998” in paragraphs (1) and (3) and inserting in  
10   lieu thereof “December 31, 2001”.

11   **SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND**  
12           **REHABILITATIVE PROGRAMS.**

13       (a) *STANDARDS OF JOB PERFORMANCE.*—Section  
14   1706(b) is amended—

15           (1) in paragraph (2), by striking out “April 1,  
16       1997, April 1, 1998, and April 1, 1999” and insert-  
17       ing in lieu thereof “April 1, 1999, April 1, 2000, and  
18       April 1, 2001”; and

19           (2) by adding at the end the following new para-  
20       graph:

21       “(3)(A) To ensure compliance with paragraph (1), the  
22   Under Secretary for Health shall prescribe objective stand-  
23   ards of job performance for employees in positions described  
24   in subparagraph (B) with respect to the job performance  
25   of those employees in carrying out the requirements of para-



1 graph (1). Those job performance standards shall include  
2 measures of workload, allocation of resources, and quality-  
3 of-care indicators.

4 “(B) Positions described in this subparagraph are po-  
5 sitions in the Veterans Health Administration that have re-  
6 sponsibility for allocating and managing resources applica-  
7 ble to the requirements of paragraph (1).

8 “(C) The Under Secretary shall develop the job per-  
9 formance standards under subparagraph (A) in consulta-  
10 tion with the Advisory Committee on Prosthetics and Spe-  
11 cial Disabilities Programs and the Committee on Care of  
12 Severely Chronically Mentally Ill Veterans.”.

13 (b) DEADLINE FOR PRESCRIBING STANDARDS.—The  
14 standards of job performance required by paragraph (3) of  
15 section 1706(b) of title 38, United States Code, as added  
16 by subsection (a), shall be prescribed not later than Janu-  
17 ary 1, 1999.

1 **SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES**  
 2 **OF DEPARTMENT OF VETERANS AFFAIRS**  
 3 **MEDICAL FACILITIES AMOUNTS AVAILABLE**  
 4 **BY REASON OF THE LIMITATION ON PENSION**  
 5 **FOR VETERANS RECEIVING NURSING HOME**  
 6 **CARE.**

7 *(a) IN GENERAL.—Section 5503(a)(1)(B) is amended*  
 8 *by striking “Effective through September 30, 1997, any”*  
 9 *in the second sentence and inserting “Any”.*

10 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
 11 *section (a) shall take effect as of October 1, 1997.*

12 **SEC. 905. REPORT ON NURSE LOCALITY PAY.**

13 *(a) REPORT REQUIRED.—(1) Not later than February*  
 14 *1, 1999, the Secretary of Veterans Affairs shall submit to*  
 15 *the Committees on Veterans’ Affairs of the Senate and the*  
 16 *House of Representatives a report assessing the system of*  
 17 *locality-based pay for nurses established under the Depart-*  
 18 *ment of Veterans Affairs Nurse Pay Act of 1990 (Public*  
 19 *Law 101–366) and now set forth in section 7451 of title*  
 20 *38, United States Code.*

21 *(2) The Secretary shall submit with the report under*  
 22 *paragraph (1) a copy of the report on the locality pay sys-*  
 23 *tem prepared by the contractor pursuant to a contract with*  
 24 *Systems Flow, Inc., that was entered into on May 22, 1998.*

1       (b) *MATTERS TO BE INCLUDED*—The report of the  
2 Secretary under subsection (a)(1) shall include the follow-  
3 ing:

4           (1) *An assessment of the effects of the locality-*  
5 *based pay system, including information, shown by*  
6 *facility and grade level, regarding the frequency and*  
7 *percentage increases, if any, in the rate of basic pay*  
8 *under that system of nurses employed in the Veterans*  
9 *Health Administration.*

10          (2) *An assessment of the manner in which that*  
11 *system is being applied.*

12          (3) *Plans and recommendations of the Secretary*  
13 *for administrative and legislative improvements or*  
14 *revisions to the locality pay system.*

15          (4) *An explanation of the reasons for any deci-*  
16 *sion not to adopt any recommendation in the report*  
17 *referred to in subsection (a)(2).*

18       (c) *UPDATED REPORT*.—Not later than February 1,  
19 2000, the Secretary shall submit to the Committees on Vet-  
20 erans' Affairs of the Senate and House of Representatives  
21 a report updating the report submitted under subsection  
22 (a)(1).

1 **SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDI-**  
 2 **TURES OF DEPARTMENT OF VETERANS AF-**  
 3 **FAIRS FOR DOMESTIC RESPONSE TO WEAP-**  
 4 **ONS OF MASS DESTRUCTION.**

5 (a) *IN GENERAL.*—Subchapter II of chapter 5 is  
 6 amended by adding at the end the following new section:

7 **“§530. Annual report on program and expenditures**  
 8 **for domestic response to weapons of mass**  
 9 **destruction**

10 “(a) *The Secretary shall submit to the Committees on*  
 11 *Veterans’ Affairs of the Senate and House of Representa-*  
 12 *tives an annual report, to be submitted each year at the*  
 13 *time that the President submits the budget for the next fiscal*  
 14 *year under section 1105 of title 31, on the activities of the*  
 15 *Department relating to preparation for, and participation*  
 16 *in, a domestic medical response to an attack involving*  
 17 *weapons of mass destruction.*

18 “(b) *Each report under subsection (a) shall include the*  
 19 *following:*

20 “(1) *A statement of the amounts of funds and the*  
 21 *level of personnel resources (stated in terms of full-*  
 22 *time equivalent employees) expected to be used by the*  
 23 *Department during the next fiscal year in prepara-*  
 24 *tion for a domestic medical response to an attack in-*  
 25 *volving weapons of mass destruction, including the*  
 26 *anticipated source of those funds and any anticipated*

1     *shortfalls in funds or personnel resources to achieve*  
2     *the tasks assigned the Department by the President in*  
3     *connection with preparation for such a response.*

4             *“(2) A detailed statement of the funds expended*  
5     *and personnel resources (stated in terms of full-time*  
6     *equivalent employees) used during the fiscal year pre-*  
7     *ceding the fiscal year during which the report is sub-*  
8     *mitted in preparation for a domestic medical re-*  
9     *sponse to an attack involving weapons of mass de-*  
10    *struction or in response to such an attack, including*  
11    *identification of the source of those funds and a de-*  
12    *scription of how those funds were expended.*

13            *“(3) A detailed statement of the funds expended*  
14    *and expected to be expended, and the personnel re-*  
15    *sources (stated in terms of full-time equivalent em-*  
16    *ployees) used and expected to be used, during the fis-*  
17    *cal year during which the report is submitted in*  
18    *preparation for a domestic medical response to an at-*  
19    *tack involving weapons of mass destruction or in re-*  
20    *sponse to such an attack, including identification of*  
21    *the source of funds expended and a description of how*  
22    *those funds were expended.*

23            *“(c) This section shall expire on January 1, 2009.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of such chapter is amended by inserting after*  
 3 *the item relating to section 529 the following new item:*

*“530. Annual report on program and expenditures for domestic response to weapons of mass destruction.”.*

4       **SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY**  
 5                               **FOR HEALTH.**

6       *The President may appoint to the position of Under*  
 7 *Secretary for Health of the Department of Veterans Affairs,*  
 8 *for service through June 30, 1999, the individual whose ap-*  
 9 *pointment to that position under section 305 of title 38,*  
 10 *United States Code, expired on September 28, 1998.*

11               **TITLE X—OTHER MATTERS**

12       **SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT**  
 13                               **PROPERTY.**

14       (a) *IN GENERAL.*—(1) *Subchapter II of chapter 5, as*  
 15 *amended by section 906(a), is further amended by adding*  
 16 *at the end the following new section:*

17       **“§531. Requirement relating to naming of Depart-**  
 18                               **ment property**

19       *“Except as expressly provided by law, a facility, struc-*  
 20 *ture, or real property of the Department, and a major por-*  
 21 *tion (such as a wing or floor) of any such facility, structure,*  
 22 *or real property, may be named only for the geographic*  
 23 *area in which the facility, structure, or real property is lo-*  
 24 *cated.”.*

1       (2) *The table of sections at the beginning of such chap-*  
 2 *ter is amended by inserting after the item relating to section*  
 3 *530, as added by section 906(b), the following new item:*

*“531. Requirement relating to naming of Department property.”.*

4       (b) *EFFECTIVE DATE.*—*Section 531 of title 38, United*  
 5 *States Code, as added by subsection (a)(1), shall apply with*  
 6 *respect to the assignment or designation of the name of a*  
 7 *facility, structure, or real property of the Department of*  
 8 *Veterans Affairs (or of a major portion thereof) after the*  
 9 *date of the enactment of this Act.*

10 **SEC. 1002. MEMBERS OF THE BOARD OF VETERANS’ AP-**  
 11 **PEALS.**

12       (a) *REQUIREMENT FOR BOARD MEMBERS TO BE AT-*  
 13 *TORNEYS.*—*Section 7101A(a) is amended—*

14               (1) *by inserting “(1)” after “(a)”;* and

15               (2) *by adding at the end the following new para-*  
 16 *graph:*

17       *“(2) Each member of the Board shall be a member in*  
 18 *good standing of the bar of a State.”.*

19       (b) *EMPLOYMENT REVERSION RIGHTS.*—*Paragraph*  
 20 *(2) of section 7101A(d) is amended to read as follows:*

21       *“(2)(A) Upon removal from the Board under para-*  
 22 *graph (1) of a member of the Board who before appointment*  
 23 *to the Board served as an attorney in the civil service, the*  
 24 *Secretary shall appoint that member to an attorney posi-*  
 25 *tion at the Board, if the removed member so requests. If*

1 *the removed member served in an attorney position at the*  
 2 *Board immediately before appointment to the Board, ap-*  
 3 *pointment to an attorney position under this paragraph*  
 4 *shall be in the grade and step held by the removed member*  
 5 *immediately before such appointment to the Board.*

6 “(B) The Secretary is not required to make an ap-  
 7 pointment to an attorney position under this paragraph if  
 8 the Secretary determines that the member of the Board re-  
 9 moved under paragraph (1) is not qualified for the posi-  
 10 tion.”.

11 **SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF**  
 12 **APPEALS BY BOARD OF VETERANS’ APPEALS.**

13 (a) *FLEXIBILITY IN ORDER OF CONSIDERATION AND*  
 14 *DETERMINATION.*—Subsection (a) of section 7107 is  
 15 amended—

16 (1) in paragraph (1), by inserting “in para-  
 17 graphs (2) and (3) and” after “Except as provided”;

18 (2) in paragraph (2), by striking out the second  
 19 sentence and inserting in lieu thereof the following:

20 “Any such motion shall set forth succinctly the  
 21 grounds upon which the motion is based. Such a mo-  
 22 tion may be granted only—

23 “(A) if the case involves interpretation of law of  
 24 general application affecting other claims;



1           “(B) if the appellant is seriously ill or is under  
2       severe financial hardship; or

3           “(C) for other sufficient cause shown.”; and

4           (3) by adding at the end the following new para-  
5       graph:

6           “(3) A case referred to in paragraph (1) may be post-  
7       poned for later consideration and determination if such  
8       postponement is necessary to afford the appellant a hear-  
9       ing.”.

10       (b) *SCHEDULING OF FIELD HEARINGS*.—Subsection  
11   (d) of such section is amended—

12           (1) in paragraph (2), by striking out “in the  
13       order” and all that follows through the end and in-  
14       serting in lieu thereof “in accordance with the place  
15       of the case on the docket under subsection (a) relative  
16       to other cases on the docket for which hearings are  
17       scheduled to be held within that area.”; and

18           (2) by striking out paragraph (3) and inserting  
19       in lieu thereof the following new paragraph (3):

20           “(3) A hearing to be held within an area served by  
21       a regional office of the Department may, for cause shown,  
22       be advanced on motion for an earlier hearing. Any such  
23       motion shall set forth succinctly the grounds upon which  
24       the motion is based. Such a motion may be granted only—

1           “(A) if the case involves interpretation of law of  
2           general application affecting other claims;

3           “(B) if the appellant is seriously ill or is under  
4           severe financial hardship; or

5           “(C) for other sufficient cause shown.”.

6   **SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPE-**  
7                           **CIALISTS.**

8           (a) *IN GENERAL.*—Section 4103A(a)(1) is amended—

9                   (1) in the first sentence, by striking out “for each  
10           6,900 veterans residing in such State” through the pe-  
11           riod and inserting in lieu thereof “for each 7,400 vet-  
12           erans who are between the ages of 20 and 64 residing  
13           in such State.”;

14                   (2) in the third sentence, by striking out “of the  
15           Vietnam era”; and

16                   (3) by striking out the fourth sentence.

17           (b) *EFFECTIVE DATE.*—The amendments made by this  
18           section shall apply with respect to appointments of disabled  
19           veterans’ outreach program specialists under section 4103A  
20           of title 38, United States Code, on or after the date of the  
21           enactment of this Act.

22   **SEC. 1005. TECHNICAL AMENDMENTS.**

23           (a) *SECTION REDESIGNATION.*—Section 1103, as  
24           added by section 8031(a) of the Veterans Reconciliation Act  
25           of 1997 (title VIII of Public Law 105–33), is redesignated

1 *as section 1104, and the item relating to that section in*  
2 *the table of sections at the beginning of chapter 11 is revised*  
3 *to reflect that redesignation.*

4 *(b) OTHER AMENDMENTS TO TITLE 38, U.S.C.—*

5 *(1) Section 712(a) is amended by striking out*  
6 *“the date of the enactment of this section” and insert-*  
7 *ing in lieu thereof “November 2, 1994.”*

8 *(2) Section 1706(b)(1) is amended by striking*  
9 *out “the date of the enactment of this section” at the*  
10 *end of the first sentence and inserting in lieu thereof*  
11 *“October 9, 1996”.*

12 *(3) Section 1710(e)(2)(A)(ii) is amended by*  
13 *striking out “section 2” and inserting in lieu thereof*  
14 *“section 3”.*

15 *(4) Section 1803(c)(2) is amended by striking*  
16 *out “who furnishes health care that the Secretary de-*  
17 *termines authorized” and inserting in lieu thereof*  
18 *“furnishing health care services that the Secretary de-*  
19 *termines are authorized”.*

20 *(5) Section 2408(d)(1) is amended—*

21 *(A) by striking out “the date of the enact-*  
22 *ment of this subsection” and inserting in lieu*  
23 *thereof “November 21, 1997,”; and*

1           (B) by striking out “on the condition de-  
2           scribed in” and inserting in lieu thereof “subject  
3           to the condition specified in”.

4           (6) Section 3018B(a)(2)(E) is amended by strik-  
5           ing out “before the one-year period beginning on the  
6           date of enactment of this section,” and inserting in  
7           lieu thereof “before October 23, 1993,”.

8           (7) Section 3231(a)(2) is amended by striking  
9           out “subsection (f)” and inserting in lieu thereof  
10          “subsection (e)”.

11          (8) Section 3674A(b)(1) is amended by striking  
12          out “after the 18-month period beginning on the date  
13          of the enactment of this section”.

14          (9) Section 3680A(d)(2)(C) is amended by strik-  
15          ing out “section”.

16          (10) Section 3714(f)(1)(B) is amended by strik-  
17          ing out “more than 45 days after the date of the en-  
18          actment of the Veterans’ Benefits and Programs Im-  
19          provement Act of 1988” and inserting in lieu thereof  
20          “after January 1, 1989”.

21          (11) Section 3727(a) is amended by striking out  
22          “the date of enactment of this section” and inserting  
23          in lieu thereof “May 7, 1968”.

1           (12) Section 3730(a) is amended by striking out  
2           “Within” and all that follows through “steps to” and  
3           inserting in lieu thereof “The Secretary shall”.

4           (13) Section 4102A(e)(1) is amended by striking  
5           out the second sentence and inserting in lieu thereof  
6           the following: “A person may not be assigned after  
7           October 9, 1996, as such a Regional Administrator  
8           unless the person is a veteran.”.

9           (14) Section 4110A is amended—

10           (A) by striking out subsection (b); and

11           (B) by redesignating paragraph (3) of sub-  
12           section (a) as subsection (b) and striking out  
13           “paragraph (1)” therein and inserting in lieu  
14           thereof “subsection (a)”.

15           (15) Section 5303A(d) is amended—

16           (A) in paragraph (2)(B), by striking out  
17           “on or after the date of the enactment of this  
18           subsection” and inserting in lieu thereof “after  
19           October 13, 1982,”; and

20           (B) in paragraph (3)(B)(i), by striking out  
21           “on or after the date of the enactment of this  
22           subsection,” and inserting in lieu thereof “after  
23           October 13, 1982,”.

1           (16) *Section 5313(d)(1) is amended by striking*  
2           *out “the date of the enactment of this section,” and*  
3           *inserting in lieu thereof “October 7, 1980,”.*

4           (17) *Section 5315(b)(1) is amended by striking*  
5           *out “the date of the enactment of this section,” and*  
6           *inserting in lieu thereof “October 17, 1980,”.*

7           (18) *Section 8107(b)(3)(E) is amended by strik-*  
8           *ing out “section 7305” and inserting in lieu thereof*  
9           *“section 7306(f)(1)(A)”.*

10          (c) *PUBLIC LAW 104–275.—The Veterans’ Benefits Im-*  
11          *provements Act of 1996 (Public Law 104–275) is amended*  
12          *as follows:*

13               (1) *Section 303(b) (110 Stat. 3332; 38 U.S.C.*  
14               *4104 note) is amended by striking out “sections*  
15               *4104(b)(1) and (c)” and inserting in lieu thereof*  
16               *“subsections (b)(1) and (c) of section 4104”.*

17               (2) *Section 705(e) (110 Stat. 3350; 38 U.S.C.*  
18               *545 note) is amended by striking out “section 5316”*  
19               *and inserting in lieu thereof “section 5315”.*

1 **TITLE XI—COMPENSATION COST-**  
2 **OF-LIVING ADJUSTMENT**

3 **SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSA-**  
4 **TION AND DEPENDENCY AND INDEMNITY**  
5 **COMPENSATION.**

6 (a) *RATE ADJUSTMENT.*—The Secretary of Veterans  
7 Affairs shall, effective on December 1, 1998, increase the dol-  
8 lar amounts in effect for the payment of disability com-  
9 pensation and dependency and indemnity compensation by  
10 the Secretary, as specified in subsection (b).

11 (b) *AMOUNTS TO BE INCREASED.*—The dollar  
12 amounts to be increased pursuant to subsection (a) are the  
13 following:

14 (1) *COMPENSATION.*—Each of the dollar amounts  
15 in effect under section 1114 of title 38, United States  
16 Code.

17 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*  
18 *ENTS.*—Each of the dollar amounts in effect under  
19 sections 1115(1) of such title.

20 (3) *CLOTHING ALLOWANCE.*—The dollar amount  
21 in effect under section 1162 of such title.

22 (4) *NEW DIC RATES.*—The dollar amounts in ef-  
23 fect under paragraphs (1) and (2) of section 1311(a)  
24 of such title.

1           (5) *OLD DIC RATES.*—*Each of the dollar*  
 2           *amounts in effect under section 1311(a)(3) of such*  
 3           *title.*

4           (6) *ADDITIONAL DIC FOR SURVIVING SPOUSES*  
 5           *WITH MINOR CHILDREN.*—*The dollar amount in effect*  
 6           *under section 1311(b) of such title.*

7           (7) *ADDITIONAL DIC FOR DISABILITY.*—*The dol-*  
 8           *lar amounts in effect under sections 1311(c) and*  
 9           *1311(d) of such title.*

10          (8) *DIC FOR DEPENDENT CHILDREN.*—*The dol-*  
 11          *lar amounts in effect under sections 1313(a) and*  
 12          *1314 of such title.*

13          (c) *DETERMINATION OF INCREASE.*—(1) *The increase*  
 14          *under subsection (a) shall be made in the dollar amounts*  
 15          *specified in subsection (b) as in effect on November 30,*  
 16          *1998.*

17          (2) *Except as provided in paragraph (3), each such*  
 18          *amount shall be increased by the same percentage as the*  
 19          *percentage by which benefit amounts payable under title II*  
 20          *of the Social Security Act (42 U.S.C. 401 et seq.) are in-*  
 21          *creased effective December 1, 1998, as a result of a deter-*  
 22          *mination under section 215(i) of such Act (42 U.S.C.*  
 23          *415(i)).*



1       (3) *Each dollar amount increased pursuant to para-*  
2 *graph (2) shall, if not a whole dollar amount, be rounded*  
3 *down to the next lower whole dollar amount.*

4       (d) *SPECIAL RULE.—The Secretary may adjust ad-*  
5 *ministratively, consistent with the increases made under*  
6 *subsection (a), the rates of disability compensation payable*  
7 *to persons within the purview of section 10 of Public Law*  
8 *85–857 (72 Stat. 1263) who are not in receipt of compensa-*  
9 *tion payable pursuant to chapter 11 of title 38, United*  
10 *States Code.*

11 **SEC. 1102. PUBLICATION OF ADJUSTED RATES.**

12       *At the same time as the matters specified in section*  
13 *215(i)(2)(D) of the Social Security Act (42 U.S.C.*  
14 *415(i)(2)(D)) are required to be published by reason of a*  
15 *determination made under section 215(i) of such Act during*  
16 *fiscal year 1998, the Secretary of Veterans Affairs shall pub-*  
17 *lish in the Federal Register the amounts specified in sub-*  
18 *section (b) of section 1101, as increased pursuant to that*  
19 *section.*

Amend the title so as to read “An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.”.

Attest:

*Clerk.*